

IN RE: PETITIONS FOR ZONING VARIANCE * BEFORE THE
NW/8 Baltimore National Pike, * ZONING COMMISSIONER
WMC Winters Lane *
6000 Baltimore National Pike * OF BALTIMORE COUNTY
1st Election District *
1st Councilmanic District * Case Nos. 93-299-A & 93-300-A
Legal Owner: Joseph Einbinder *
Contract Purchaser: Home Depot U.S.A., Inc. *
Petitioners * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a consolidated hearing for the above captioned cases related to the subject property located at 6000 Baltimore National Pike in the Catonsville section of Baltimore County. Under case No. 93-299-A, relief is sought from the strict application of Section 413.2f of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a free standing business sign with a total area of 468.84 sq. ft. to replace the existing nonconforming sign of 480.84 sq. ft., in lieu of the permitted 100 sq. ft. Under case No. 93-300-A, a variance is requested from Section 409.6 of the B.C.Z.R. to permit 1,182 off-street parking spaces in lieu of the required 1,260 spaces, calculated by utilizing a shared parking arrangement pursuant to Section 409.6.B.3 or, in the alternative, to permit 1,182 off-street parking spaces in lieu of the required 1,320 off-street parking spaces; or further, in the alternative, to approve a modified parking plan pursuant to Section 409.12 of the B.C.Z.R. All of the relief is shown on the site plan which was submitted at the hearing, marked collectively as Petitioner's Exhibit No. 1A thru 1D.

Appearing at the public hearing scheduled for this case was the engineer from G.S. Stephens and Associates who prepared the plan, John J. Stamm. Also appearing was John L. Collins, representing Home Depot,

U.S.A., Inc. The Petitioners were represented by Stuart D. Kaplow, Esquire. Appearing in opposition to the request were two residents of the surrounding locale, namely, Grace Robinson and Charles Jeffrey. Ms. Robinson resides on Harristown Road to the rear of the site and Mr. Jeffrey on Alexander Avenue to the west of the property. Also appearing was Frederick A. Johnson from the Baltimore County Chapter of the NAACP. Lenwood Johnson and William Hughey, both from the Office of Planning and Zoning, also appeared.

The subject property is a parcel of 19.74 acres which is located in Catonsville not far from Exit 15 of the Baltimore Beltway (I-695). The site abuts Baltimore National Pike (U.S. Route 40) on the south, Winters Lane on the east, Harristown Road on the north and Alexander Avenue on the west. The parcel is split-zoned, D.R.5.5 (2.51 acres), and B.R. (17.23 acres). The property has a long history of use as a non-residential parcel. Presently, it is the site of the Westview Cinema, a theatre with a 2600 seat capacity. Formerly, the site also housed the Edmondson Drive-in Theatre. In 1991, the property came before the C.R.G. under a plan for re-development. The plan presented at that time was approved and the tract has been redeveloped to now contain a Home Depot store on the rear portion of the site where the drive-in theatre was located. The Westview Cinema Theatre continues to operate on the front portion of the site. The balance of the property supports a parking lot which contains 1,182 spaces.

As to the relief requested within case No. 93-299-A, testimony and evidence presented was that a sign advertising the presence of the Edmondson Drive-in Theatre existed for many years on the corner of the property near Winters Lane and Route 40. This sign was apparently erected in the 1950s and is of a unique architectural style. At least in the

opinion of the Office of Planning and Zoning, the sign represents a historic structure and should be preserved. Apparently, many in the community agree, although the witnesses who appeared were not convinced of the necessity of the sign. In any event, a request was made to Home Depot U.S.A., Inc. to retain the sign, but for a change on that portion which identifies the merchant on the property. The existing and proposed version of the sign are clearly demonstrated on Petitioners' Exhibit No. 2A and 2B. As a result of the desired retention of this sign, a variance is needed from Section 413.2.F. of the B.C.Z.R. which limits total signage to 100 sq. ft. The proposed sign is 468.84 sq. ft., slightly less than the old square footage of 480.84 sq. ft., due to the change in the lettering identifying the merchant. Presently, an existing temporary sign is located on the corner of the property where the proposed sign will be resurrected.

As is well settled, a variance can be granted only upon the showing that the Petitioners have complied with Section 307, et seq., of the B.C.Z.R. That is, proof must be offered that the property owner will suffer practical difficulty or undue hardship if the relief requested is denied. Further, a showing must be made that a grant of the relief requested will not adversely affect the surrounding locale and is in keeping with the spirit and intent of the regulations. In this case, I am persuaded that the Petitioners have met their burden. Although some may question whether a sign can be historic, the sign clearly has a long association with the site and might well be considered a landmark worth saving. For these reasons, I am persuaded that the sign should be preserved based upon the testimony of the witnesses and the written comments received from the Office of Planning and Zoning. Thus, the variance will be granted.

The second variance relates to parking and the number of spaces provided. Uncontradicted testimony and evidence presented was that the site features 1,182 off-street parking spaces which serve both the Home Depot store and the movie theatre. Further, it was clearly evident that these two uses do not share a common peak parking time. That is, Home Depot is most crowded during weekend afternoons whereas the theatre has a substantial percentage of its patronage during the evening hours. Thus, the Petitioners believe that more than sufficient parking exists to accommodate both uses. Testimony and evidence from the neighbors revealed that the lot is seldom crowded and that there has been no overflow parking into the neighborhood adversely affecting the residential community which abuts this site. Clearly, the granting of the variance would not adversely affect the community in this respect.

As noted above, the Petitioners must satisfy the tenets of Section 307 of the B.C.Z.R. in order for a variance to be granted. In that no additional space is available on site for additional parking, it is clear that the Petitioners will suffer practical difficulty if the variance is not granted. Further, I am convinced that the shared parking arrangement between the theatre and Home Depot store is appropriate and that the relief can be fashioned in a manner which will not be detrimental to the surrounding locale. Thus, this variance will also be granted.

Notwithstanding my approval of the above variances, there was a great amount of testimony presented at the hearing regarding the effects of the Home Depot store upon the residential community which surrounds the location. Although irrelevant to the narrow issues presented in the Petitions, the community representatives believe that this retail use has adversely affected the tranquility of their residential community. For

ORDER RECEIVED FOR FILING
Date 4/27/93
By M. H. H. H.

ORDER RECEIVED FOR FILING
Date 4/27/93
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By M. H. H. H.

its part, Home Depot's representative testified that they wish to be good neighbors and, in the past have gone above and beyond strict compliance with the development regulations to insure compatibility between their store and the community. The representatives of the neighborhood disagree. In order to alleviate these fears, the parties reached certain agreements at the hearing which it is hoped will resolve the differences between them. At the parties' request, these agreements will be incorporated within my Order as conditions to the granting of the variances requested. Specifically, the parties have agreed that a meeting will be arranged between an official from Home Depot and the three Protestants who appeared (Mr. Johnson, Mrs. Robinson and Mr. Jeffrey) within 45 days from the date of this Order. Other representatives of the community are welcome at this meeting. It is hoped that the lines of communication which will be opened during this meeting will assist in a resolution of the open issues. Further, Home Depot has agreed to additional improvements (some off-site) on the rear portion of the property near Harristown Road. Specifically, the fence on the rear portion of the site adjacent to Harristown Road will be extended and its height increased. It is anticipated that, if the fence is extended along the property line and made higher, the activity on-site will be screened from those residences across Harristown Road. In addition to these improvements to the fence, Home Depot has also agreed to implement additional landscaping along Harristown Road to buffer the area. Lastly, the southside of the road will be regraded. The Petitioners shall perform these improvements within 60 days from the date of this Order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of April, 1993 that a variance, under case No. 93-299-A, from Section 413.2f of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a free standing business sign with a total area of 468.84 sq. ft. to replace the existing nonconforming sign of 480.84 sq. ft., in lieu of the permitted 100 sq. ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, under case No. 93-300-A, a variance from Section 409.6 of the B.C.Z.R. to permit 1,182 off-street parking spaces in lieu of the required 1,260 spaces, calculated by utilizing a shared parking arrangement pursuant to Section 409.6.B.3 as depicted on Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall arrange for a meeting between a representative of Home Depot, U.S.A., Inc. and the Protestants, Frederick A. Johnson, Grace Robinson and Charles Jeffrey, to be held within 45 days from the date of this Order.
3. Within 60 days from the date hereof, the Petitioners shall cause certain improvements to be made to the rear portion of the site abutting Harristown Road, namely, lengthening of an existing fence and an increase in the height of same; the implementation of additional landscaping in

that area, and the regrading of that strip of land on the south side of Harristown Road.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

April 27, 1993

(410) 887-4386

Stuart D. Kaplow, Esquire
100 South Charles Street
Baltimore, Maryland 21201-2773

RE: Case Nos 93-299-A and 93-300-A
Petitions for Variance
Legal Owner: Joseph Einbinder
Contract Purchaser: Home Depot, U.S.A., Inc., Petitioner
6000 Baltimore National Pike

Dear Mr. Kaplow:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mnn
att.
cc: Mrs. Grace Robinson
cc: Mr. Charles Jeffrey
cc: Mr. Frederick A. Johnson, NAACP
cc: Mr. Lenwood Johnson, Office of Planning and Zoning
cc: Mr. William Hughey, Office of Planning and Zoning

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IN RE: PETITIONS FOR ZONING VARIANCE *
NW/S Baltimore National Pike, *
6000 Baltimore National Pike *
1st Election District *
1st Councilmanic District *
Legal Owner: Joseph Einbinder *
Contract Purchaser: *
Home Depot U.S.A., Inc. *
Petitioners *
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case Nos. 93-299-A & 93-300-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a consolidated hearing for the above captioned cases related to the subject property located at 6000 Baltimore National Pike in the Catonsville section of Baltimore County. Under case No. 93-299-A, relief is sought from the strict application of Section 413.2f of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a free standing business sign with a total area of 468.84 sq. ft. to replace the existing nonconforming sign of 480.84 sq. ft., in lieu of the permitted 100 sq. ft. Under case No. 93-300-A, a variance is requested from Section 409.6 of the B.C.Z.R. to permit 1,182 off-street parking spaces in lieu of the required 1,260 spaces, calculated by utilizing a shared parking arrangement pursuant to Section 409.6.B.3 or, in the alternative, to permit 1,182 off-street parking spaces in lieu of the required 1,320 off-street parking spaces; or further, in the alternative, to approve a modified parking plan pursuant to Section 409.12 of the B.C.Z.R. All of the relief is shown on the site plan which was submitted at the hearing, marked collectively as Petitioner's Exhibit No. 1A thru 1D.

Appearing at the public hearing scheduled for this case was the engineer from G.S. Stephens and Associates who prepared the plan, John J. Stamm. Also appearing was John L. Collins, representing Home Depot,

opinion of the Office of Planning and Zoning, the sign represents a historic structure and should be preserved. Apparently, many in the community agree, although the witnesses who appeared were not convinced of the necessity of the sign. In any event, a request was made to Home Depot U.S.A., Inc. to retain the sign, but for a change on that portion which identifies the merchant on the property. The existing and proposed version of the sign are clearly demonstrated on Petitioners' Exhibit No. 2A and 2B. As a result of the desired retention of this sign, a variance is needed from Section 413.2.F. of the B.C.Z.R. which limits total signage to 100 sq. ft. The proposed sign is 468.84 sq. ft., slightly less than the old square footage of 480.84 sq. ft., due to the change in the lettering identifying the merchant. Presently, an existing temporary sign is located on the corner of the property where the proposed sign will be resurrected.

As is well settled, a variance can be granted only upon the showing that the Petitioners have complied with Section 307, et seq., of the B.C.Z.R. That is, proof must be offered that the property owner will suffer practical difficulty or undue hardship if the relief requested is denied. Further, a showing must be made that a grant of the relief requested will not adversely affect the surrounding locale and is in keeping with the spirit and intent of the regulations. In this case, I am persuaded that the Petitioners have met their burden. Although some may question whether a sign can be historic, the sign clearly has a long association with the site and might well be considered a landmark worth saving. For these reasons, I am persuaded that the sign should be preserved based upon the testimony of the witnesses and the written comments received from the Office of Planning and Zoning. Thus, the variance will be granted.

its part, Home Depot's representative testified that they wish to be good neighbors and, in the past have gone above and beyond strict compliance with the development regulations to insure compatibility between their store and the community. The representatives of the neighborhood disagree. In order to alleviate these fears, the parties reached certain agreements at the hearing which it is hoped will resolve the differences between them. At the parties' request, these agreements will be incorporated within my Order as conditions to the granting of the variances requested. Specifically, the parties have agreed that a meeting will be arranged between an official from Home Depot and the three Protestants who appeared (Mr. Johnson, Mrs. Robinson and Mr. Jeffrey) within 45 days from the date of this Order. Other representatives of the community are welcome at this meeting. It is hoped that the lines of communication which will be opened during this meeting will assist in a resolution of the open issues. Further, Home Depot has agreed to additional improvements (some off-site) on the rear portion of the property near Harriestown Road. Specifically, the fence on the rear portion of the site adjacent to Harriestown Road will be extended and its height increased. It is anticipated that, if the fence is extended along the property line and made higher, the activity on-site will be screened from those residences across Harriestown Road. In addition to these improvements to the fence, Home Depot has also agreed to implement additional landscaping along Harriestown Road to buffer the area. Lastly, the southside of the road will be regraded. The Petitioners shall perform these improvements within 60 days from the date of this Order.

that area, and the regrading of that strip of land on the south side of Harriestown Road.

LAWRENCE E. SCHWILT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/1/93
By J. J. Stamm

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Date 11/1/93
By J. J. Stamm

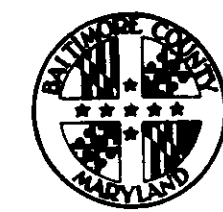
ORDER RECEIVED FOR FILING
Date 11/1/93
By J. J. Stamm

ORDER RECEIVED FOR FILING
Date 11/1/93
By J. J. Stamm

-3-

-5-

-7-



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 6000 Baltimore National Pike
which is presently zoned DR 5.5/BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Special circumstances and conditions exist that are peculiar to the land or structure such that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Contract Purchaser/Owner
The Home Depot U.S.A., Inc.

(Type or Print Name)
Joseph Y. Einbinder

Address
2727 Faces Ferry Road

City
Atlanta, GA 30339

Secretary for Petitioner
Stuart D. Kaplow

(Type or Print Name)
100 South Charles Street (410) 332-8942

Address
Baltimore, MD 21201-2773

With this petition, the petitioner agrees, under the provisions of the law, that they are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)
Joseph Y. Einbinder

(Type or Print Name)
Joseph Y. Einbinder

Address
6026 Baltimore National Pike (410) 747-7279

City
Baltimore, MD 21228

Phone No.
21228

State
MD

County
Baltimore

Office Use Only
ESTIMATED LENGTH OF HEARING
The following date is available for hearing. Must show date.
ALL OTHER DATE
RECEIVED BY DATE

Petition For Variance Attachment A

BCZR Section 409.6 to permit 1,182 off-street parking spaces in lieu of the required 1,260 off-street parking spaces, calculated utilizing a shared parking adjustment pursuant to Section 409.6.B.3, as depicted on the revised parking plan; or in the alternative, to permit 1,182 unadjusted off-street parking spaces in lieu of the required 1,320 off-street parking spaces; or in the alternative, to approve a modified parking plan pursuant to Section 409.12.

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to accompany Zoning Petition,
Home Depot/Catonsville.

December 30, 1992

Beginning for the same at the corner formed by the intersection of the north side of Baltimore National Pike (U.S. Route 40), as laid out and existing 150' wide and shown on the State Highway Administration Plat No. 4683 and the west side of Winters Lane (formerly Winter Avenue), shown on a Plat entitled "McDONOUGH HEIGHTS", dated October, 1920, recorded among the Plat Records of Baltimore County, Maryland in Plat Book W.P.C. 3 folio 68, said point of beginning being located North 02 degrees 49 minutes 36 seconds West 77.61 feet from the centerline intersection of said Baltimore National Pike (U.S. Route 40) and Winters Lane, running thence leaving said point of beginning, binding on the northern side of said Baltimore National Pike (U.S. Route 40),

1) South 72 degrees 16 minutes 21 seconds West 815.11 feet to the centerline of Commonwealth Avenue, shown on said Plat of "McDONOUGH HEIGHTS", running thence leaving the northern side of said Baltimore National Pike (U.S. Route 40), binding on the centerline of said Commonwealth Avenue,
2) North 07 degrees 57 minutes 55 seconds East 36.09 feet, running the three following courses:
3) North 82 degrees 02 minutes 05 seconds West 133.43 feet,
4) North 07 degrees 42 minutes 08 seconds East 128.64 feet and
5) North 82 degrees 17 minutes 52 seconds West 150.00 feet to the east side of Alexander Avenue, shown on a Plat entitled "DOUGLAS PARK", dated April, 1924, recorded among the Plat Records of Baltimore County, Maryland in Plat Book W.P.C. 7 folio 170, running thence binding on the east side of said Alexander Avenue,
6) North 07 degrees 42 minutes 08 seconds East 625.00 feet, thence leaving the east side of said Alexander Avenue, running thence the two following courses:
7) South 82 degrees 17 minutes 52 seconds East 150.00 feet and
8) South 07 degrees 42 minutes 08 seconds West 11.74 feet, running thence for part of the distance binding on the southern side of Harriestown Road (formerly Mud Lane), 20 feet wide,
9) North 87 degrees 42 minutes 03 seconds East 656.19 feet, running thence the four following courses:
10) South 10 degrees 12 minutes 18 seconds West 138.28 feet,
11) North 79 degrees 47 minutes 42 seconds West 40.00 feet,
12) South 10 degrees 12 minutes 18 seconds West 500.00 feet and
13) South 79 degrees 47 minutes 42 seconds East 100.00 feet to the west side of said Winters Lane (formerly Winter Avenue), running thence binding on the western side of said Winters Lane (formerly Winter Avenue),
14) South 10 degrees 12 minutes 18 seconds West 138.14 feet to the point of beginning.
Containing 19.736 acres of land more or less.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st
Posted for: 1/1/93
Petitioner: Joseph Y. Einbinder + Home Depot
Location of property: 6000 Baltimore National Pike + Winters Lane
Location of Sign: 6000 Baltimore National Pike
Remarks: 1/1/93
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/25/93
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 3/25/93

THE JEFFERSONIAN,

S. Zake Orlov
Publisher

\$71.05



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R 001-6150
Number

Date

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 3/30/93

The Home Depot U.S.A., Inc.
2727 Reisterstown Road
Atlanta, GA 30339

RE: CASE NUMBER: 93-300-A (Item 312)
84/5 Baltimore National Pike, BMC Western Lane
6000 Baltimore National Pike
1st Election District - 1st Councilmanic
Legal Owner(s): Joseph Y. Einbinder
Contract Purchaser(s): Home Depot U.S.A., Inc.
HEARING: THURSDAY, APRIL 22, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$7405 is due for advertising and posting of the above captioned property and hearing date.

THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Forward your check for the above fee via return mail to the Zoning Office, (ZADM), County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Please write the case number and hearing date on the check and make same payable to Baltimore County, Maryland. To avoid delay of the Zoning Commissioner's Order in your case, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

cc: Stuart D. Kaplow, Esq.



Printed on Recycled Paper



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-300-A (Item 312)
84/5 Baltimore National Pike, BMC Western Lane
6000 Baltimore National Pike
1st Election District - 1st Councilmanic
Legal Owner(s): Joseph Y. Einbinder
Contract Purchaser(s): Home Depot U.S.A., Inc.
HEARING: THURSDAY, APRIL 22, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit 1,182 off-street parking spaces in lieu of the required 1,260 off-street parking spaces; or in the alternative, to permit 1,182 unadjoined off-street parking spaces in lieu of the required 1,320 off-street parking spaces; or in the alternative, to approve a modified parking plan.

ARNOLD JABLON
DIRECTOR

cc: Joseph Y. Einbinder
Home Depot U.S.A., Inc.
Stuart D. Kaplow, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.



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111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 12, 1993

Stuart D. Kaplow, Esquire
100 South Charles Street
Baltimore, MD 21201-2773

RE: Case No. 93-300-A, Item No. 312
Petitioner: Joseph Y. Einbinder, et al
Petition for Variance

Dear Mr. Kaplow:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 11, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



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3-19-93

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +312(WCR)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-482-6082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: April 1, 1993

SUBJECT: 6026 Baltimore National Pike

INFORMATION:

Item Number: 312
Petitioner: Home Depot U.S.A., Inc.
Property Size: _____
Zoning: BR and DR 5-5
Requested Action: _____
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff offers the following comments:

While this office does not generally support sign variances of this magnitude, obvious cultural and nostalgic considerations make the subject request unique.

Staff supports the sign and parking variance requests conditioned upon retention of the original neon function of the preserved sign, which would ensure that the cultural and nostalgic significance of the sign is maintained (a copy of a photograph depicting the Edmondson Drive-In Theatre sign is attached).

Prepared by: Jeffrey M. Long

Division Chief: Gary L. Lewis

PK/JL:fjw



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

MARCH 24, 1993

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOSEPH Y. FINBINDER

Location: #6000 BALTIMORE NATIONAL PIKE

Item No.: + 312 (WCR) Zoning Agenda: MARCH 22, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEH



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111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 8, 1993

Stuart D. Kaplow, Esquire
100 South Charles Street
Baltimore, MD 21201-2773

RE: Preliminary Petition Review (Item #312)
Legal Owner: Joseph Y. Einbinder
Contract Purchaser: Home Depot USA, Inc.
6000 Baltimore National Pike
1st Election District

Dear Mr. Kaplow:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The second sheet of plans is not sealed.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
Planner II

JLL:scj



Printed on Recycled Paper

GWEN

Items 311 + 312 are for the same property, same address. They are both for commercial variances. JLL said that Stuart wanted them filed separately, with different item numbers. JLL isn't sure if they want them heard together or separately.

Sophia
3/14/93

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2773
(410) 242-2800
WASHINGTON AREA: (800) 470-7400
FACSIMILE: (410) 242-2828
TELETYPE: (410) 242-2828
FAX: (410) 242-2828
FAX: (410) 242-2828

10480 LITTLE PATTERICK PARKWAY
COLUMBIA, MARYLAND 21046-3008
(410) 740-8800
WRITER'S DIRECT DIAL NUMBER

30 WEST PATRICK STREET
FREDERICK, MARYLAND 21701-8271
(301) 898-9800
FAX: (301) 898-9800
FAX: (301) 898-9800

April 30, 1993

Mrs. Grace Robinson
6006 Harristown Road
Baltimore, MD 21228

Mr. Charles Jeffrey
1100 Alexander Avenue
Baltimore, MD 21228

Mr. Frederick A. Johnson
30 Hobart Court
Randallstown, MD 21133

RECEIVED
MAY 4 1993
ZONING COMMISSIONER

Re: Home Depot Meeting, May 5th at 10:30 a.m.

Greetings:

This letter will confirm our telephone conversations with respect setting up a meeting with representatives of Home Depot.

As we have all discussed, the meeting will be held on Wednesday, May 5th at 10:30 a.m. at the Home Depot store.

I will look forward to hearing from you and confirmation that the meeting time is acceptable. If it is more convenient for please feel free to reach me at home (321-6025).

Sincerely,

Stuart D. Kaplow

cc: Mr. Duke Sullivan
Office of the Zoning Commissioner

PLEASE PRINT CLEARLY

NAME

ADDRESS

Good copy

Delivered to John A. Robinson

Charles Jeffrey

Fred Johnson

NAACP

30 Hobart

Hobart

CH

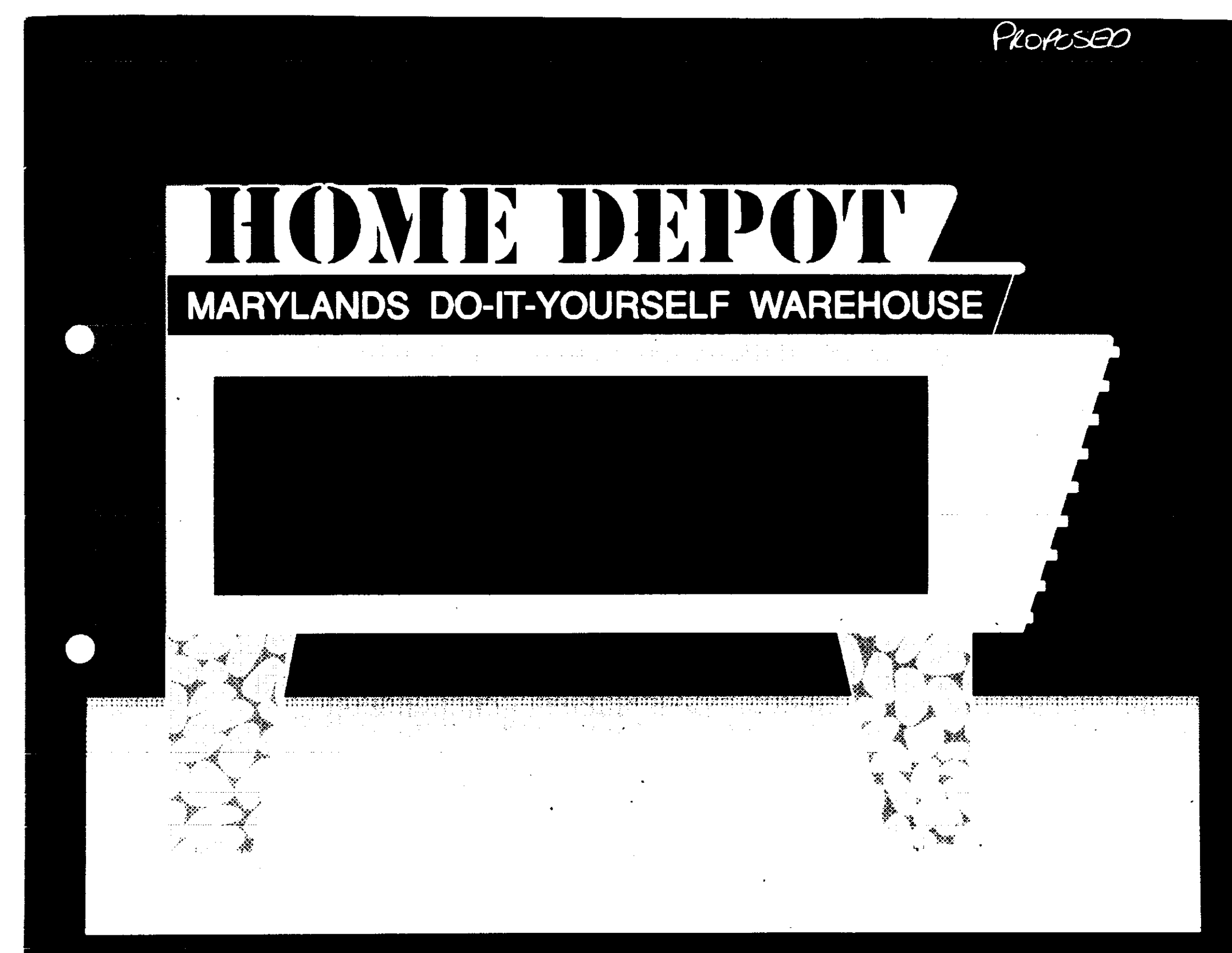
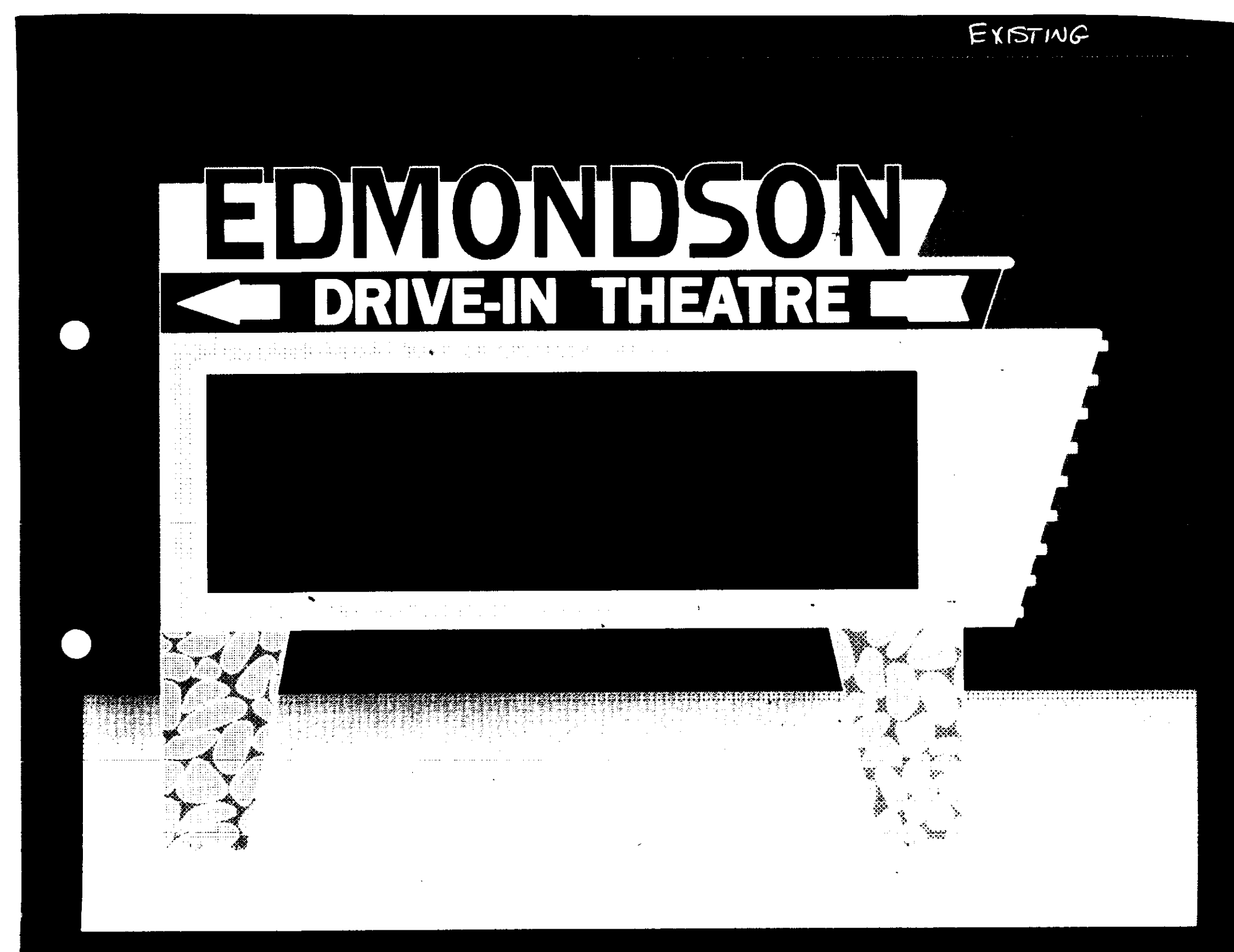
Randallstown

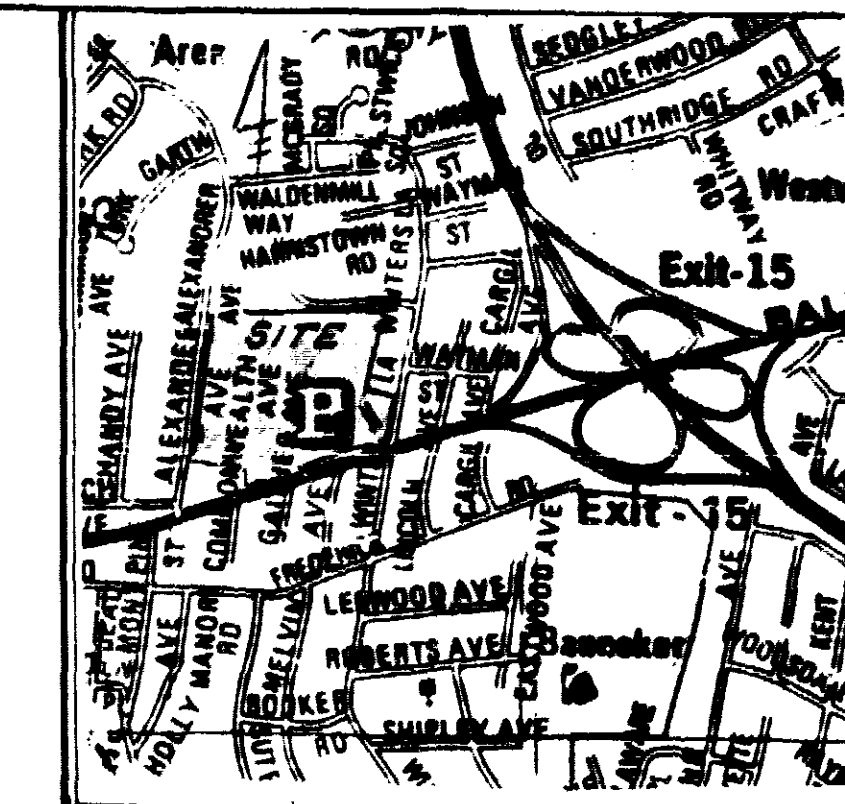
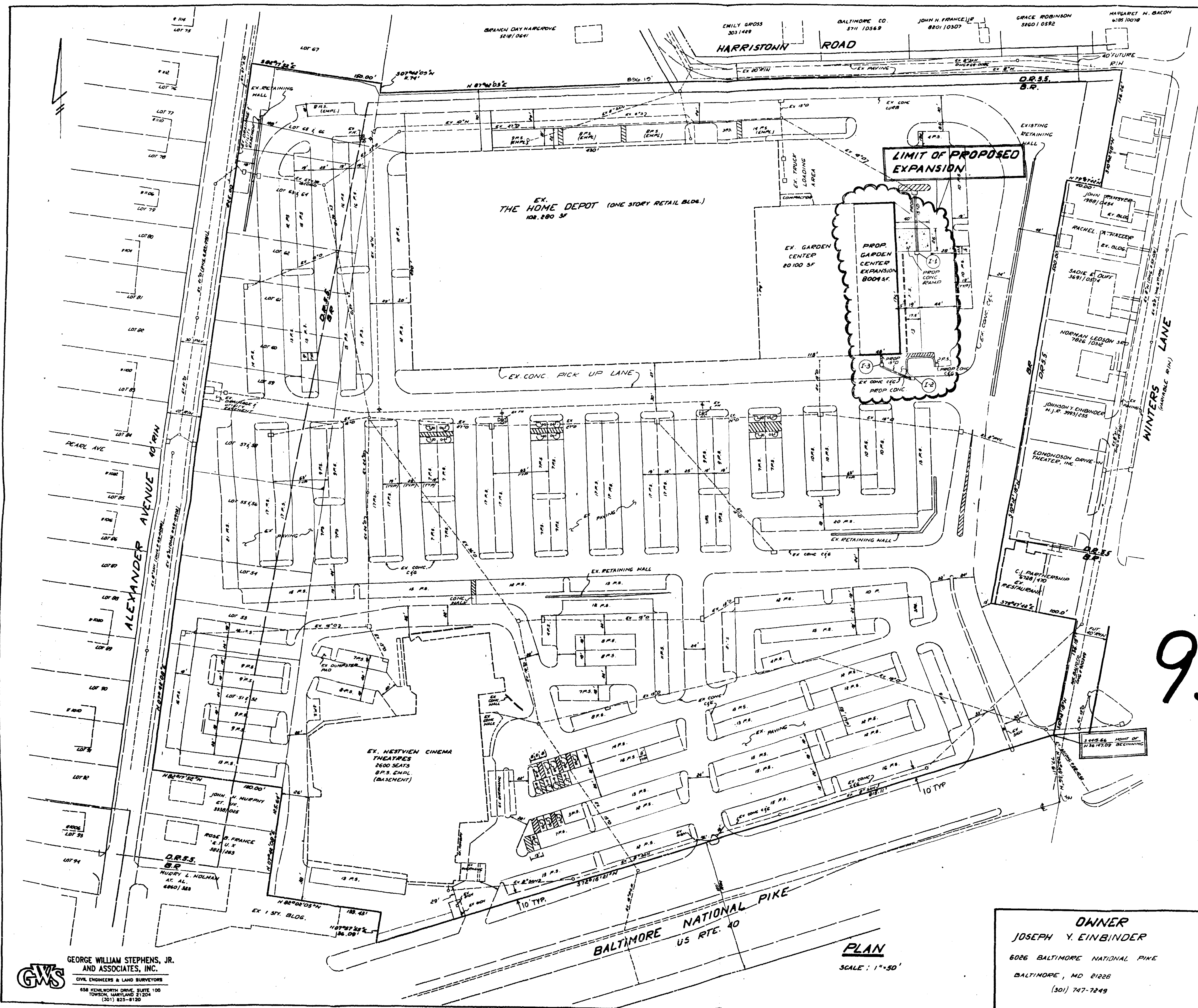
21133

1100 Alexander

21228

Jeffrey





VICINITY MAP
SCALE: 1"=1000'

93-300-A

John J. Sklar
2/27/93

PUBLIC SERVICES CRG 233 CURRENT PLANNING I-389	
PLAT TO ACCOMPANY PETITION FOR PARKING VARIANCE 312	
THE HOME DEPOT CATONSVILLE, MD. 6000 BALTIMORE NATIONAL PIKE	
ELECTION DIST. 1C1 SCALE: 1"=50'	BALTIMORE CO., MD JAN 20 1993 SHT 1 OF 2

OWNER
JOSEPH Y. EINBINDER
 6026 BALTIMORE NATIONAL PIKE
 BALTIMORE, MD 21228
 (301) 747-7249

PLAN
 SCALE: 1"=50'

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 658 KENILWORTH DRIVE, SUITE 100
 TOWSON, MARYLAND 21204
 (301) 825-8120



700 East Joppa Road Suite 901
Towson, MD 21286-5500

MARCH 24, 1993

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOSEPH Y. FINEINTER

Location: #6000 BALTIMORE NATIONAL PIKE

Item No.: + 311 (WCR) Zoning Agenda: MARCH 22, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John R. Reisinger* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JE/KEE



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

November 6, 1992

Mrs. Grace Robinson, Coordinator
6006 Harriestown Road
Catonsville, MD 21228

Re: Home Depot

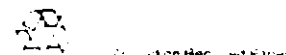
Dear Mr. Robinson:

Prior to receiving a copy of your letter to Home Depot of October 24, 1992, several inspections had been made of the site by building inspectors in response to community concerns. At this stage, the building is complete and an occupancy has been granted.

Since the building code is primarily concerned with the proper design and construction of new buildings, the items you have listed would not constitute building code violations.

Very truly yours,
John R. Reisinger
John R. Reisinger, P.E.
Buildings Engineer

JRR/nmg



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 8, 1993

Stuart D. Kaplow, Esquire
100 South Charles Street
Baltimore, MD 21201-2773

RE: Preliminary Petition Review (Item #311)
Legal Owner: Joseph Y. Einbinder
Contract Purchaser: Home Depot USA, Inc.
6000 Baltimore National Pike
1st Election District

Dear Mr. Kaplow:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The second sheet of plans is not sealed.
2. The sign square footage (with all areas sub-totaled), illumination and if single or double-faced is lacking on the plan. Also it should be noted that there are no other freestanding signs on the site.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John C. Lewis
By: John C. Lewis
Planner II

JLL:scj



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

August 9, 1993

(410) 887-4386

Concerned Citizens of Catonsville
c/o Mrs. Grace Robinson,
Coordinator
6006 Harriestown Road
Catonsville, Maryland 21228

RE: Case No. 93-299-A and 93-300-A
Home Depot

Dear Mrs. Robinson:

This is to acknowledge your recent letter dated June 28, 1993 regarding the Home Depot property located on Baltimore National Pike in Catonsville.

As you know, Petitions for Zoning Variance were filed for this property earlier this year. The Petitions came before me for public hearing on April 22, 1993. As I recall, you and a number of other members of the surrounding community appeared and testified at that time.

Following the hearing and after fully considering all of the testimony and evidence presented, I rendered a decision on the Petitions by way of my Findings of Fact and Conclusions of Law and written Order dated April 27, 1993. Therein, I approved the variances requested and imposed certain restrictions. These restrictions included requirements that the property owner make certain improvements to the rear portion of the site abutting Harriestown Road and arrange for a meeting between representatives of Home Depot, U.S.A. and the community. It was my hope that these restrictions would facilitate continued communication between the parties and resolve any open issues of contention between them.



Concerned Citizens of Catonsville
c/o Mrs. Grace Robinson,
Coordinator
6006 Harriestown Road
Catonsville, Maryland 21228
page 2.....

From my understanding, no appeal of my Order was filed. Thus, my decision is final. My role in the adjudication of the Petitions is completed. If there are any zoning violations presently occurring in connection with Home Depot's use of the property, same should be reported to Mr. James Thompson, Zoning Enforcement Supervisor of the Office of Zoning Administration and Development Management. Mr. Thompson will send an inspector to the site and zoning violations will be prosecuted by the County's Office of Law within the District Court of Maryland. However, from the contents of your recent letter, I am not certain that, in fact, there are any zoning violations. Your allegations that Home Depot has failed to be "a good neighbor", may not constitute any zoning violation which may be prosecuted under County law. If that is the case, I can only suggest that the lines of communication between Home Depot and the neighborhood remain open so that any disputes may be amicably resolved.

Please do not hesitate to contact me should you have any further questions regarding this matter.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
cc: Stuart D. Kaplow, Esquire
100 South Charles Street
Baltimore, Maryland 21201-8862

cc: Roger Hayden, County Executive
cc: Councilwoman Berchie Manley, 1st Councilmanic District



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 21, 1993

Mrs. Grace Robinson
6006 Harriestown Road
Baltimore, MD 21228

Dear Mrs. Robinson:

On behalf of myself and Baltimore County staff, I would like to thank you for hosting a meeting in your home to discuss the Home Depot development project on Rt. 40 and Winters Lane. Based on the input we received from you and your neighbors, specifically Messrs. Savage, Jeffrey and Aple, we are able to provide assistance in the five matters we discussed as follows:

Winters Lane road repair for three utility cuts in the paved road surface:

Normally, a temporary patch over a utility cut is required to permit the ground to settle evenly. A permanent repair can usually be expected after a 60 day settlement period. George Abendschoen, Executive Assistant to our County Executive, has requested the Bureau of Highways, Department of Public Works (DPW) to correct this situation as soon as scheduling permits.

Incomplete fencing along Harriestown Road:

A board on board fence has been installed by Home Depot along their northern property line; however, at the northeastern corner of the site, an additional section is necessary to complete the fencing to the property line. This issue will be resolved through the Department of Public Works, Developer's Engineering Division, as part of the landscape requirements.

Incomplete landscaping:

The Baltimore County Landscape Manual states:

"All plans shall be fully implemented within one year after the date the Final Landscape Plan is approved...and unless a hardship extension is granted by the Director of Planning and Zoning Extensions may be submitted if construction is not substantially completed within one year, or if construction scheduling would require planting out of season in order to meet the one year deadline."

Mrs. Grace Robinson
Re: "Home Depot" development issues
1/21/93
p. 2

The responsibility of enforcement of the approved landscape plan is within the Department of Public Works, Developer's Engineering Division. Avery Harden, the County's Landscape Planner, has agreed to follow up on this issue.

Harriestown Road - The width of the road should be brought up to pre-development conditions and repaved:

Mr. Abendschoen has inspected the road with Sam Cortese, Chief, Bureau of Highways, DPW. A tar and chip surface treatment was completed more than 10 years ago and it now appears that the road is in need of resurfacing. In light of current budgetary constraints, Mr. Cortese has been requested to consider the need for resurfacing Harriestown Road as funding becomes available.

Alexander Avenue - Mr. Jeffrey's request for chain link fencing:

The approved CRG plan had no provision for pedestrian or vehicular access to the Home Depot site from Alexander Avenue; however, Mr. Jeffrey has indicated that such access has been a problem. He has, therefore, requested a chain link fence to be installed along Alexander Avenue as a method to prevent future access. In light of the extensive landscaped area (ranging from 10-55 feet in width), Baltimore County would not normally consider fencing as a design solution in this particular situation. Notwithstanding that fact, the community would like Home Depot to consider fencing the area adjacent to Alexander Avenue. By copy of this letter, Baltimore County is formally requesting Home Depot officials to meet with Mr. Jeffrey and his neighbors to resolve this matter to their satisfaction.

If I can be of further assistance, please do not hesitate to contact me at 410-887-3335.

Again, thank you for your time and understanding as we continue to work together to address the needs of your community.

Respectfully yours,

Joseph V. Maranto
Joseph V. Maranto, Project Manager
Development Management

JVM:gg1
c: see p. 3

Mrs. Grace Robinson
Re: "Home Depot" development issues
1/21/93
p. 3

c: Mr. Aple c/o Mrs. Grace Robinson
Mr. Jeffrey c/o Mrs. Grace Robinson
Mr. Savage c/o Mrs. Grace Robinson

Roger B. Hayden, County Executive - M.S. 2M01A
George Abendschoen, Executive Asst - M.S. 2M01A
Arnold Jablon, Director, ZADM - M.S. 1105
E. Avery Harden, Developer's Engineering, P.W. - M.S. 1208
Lenwood Johnson, OPZ - M.S. 3402
Sam Cortese, Chief, Bureau of Highways, P.W. - M.S. 1003
Greenberg-Farrow, 1927 Peachtree Road NE, Atlanta, GA 30379
Jack Stamm, Geo. Wm Stephens, Jr. & Assoc., Inc.
658 Kenilworth Dr., Suite 100, Towson, MD 21204
Duke Sullivan, Home Depot, 2727 Paces Ferry Rd,
2 Paces West, 11th Flr, Atlanta, GA 30339

HOMEDEPO/TXTGGL



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

BERTHIE L. MANLEY
COUNCILWOMAN, FIRST DISTRICT

COUNCIL OFFICE: 867-3266
CATONSVILLE DISTRICT OFFICE: 867-0896 867-0897
754 FREDERICK ROAD
CATONSVILLE, MD 21228

March 10, 1993

Mr. William P. Sullivan
The Home Depot
One Paces West
2727 Paces Ferry Road, N.W.
Atlanta, Georgia 30339-4053

Dear Mr. Sullivan,

Subsequent to our meeting on February 17, I have been advised by Mrs. Robinson, spokesperson for the residents adjoining your Route 40 West store, that she and other residents have not been contacted by you regarding the insurance inspections and claims being processed through Aetna Insurance Company, the carrier for Kasco-Chesapeake Builders. The only contact has been from J.S. Bricker, Jr., letter dated February 23, 1993.

During our meeting you offered to contact Mark Webb, the Aetna property adjuster. Please advise as to any communication or update. The community is pressing for a prompt resolution and would also like another meeting with Home Depot and Kasco-Chesapeake in the near future.

I would appreciate your assistance in resolving these requests and look forward to hearing from you.

Respectfully,

Berthie L. Manley

Berthie L. Manley
Councilwoman First District

cc: Kaplow
Robinson
Webb



COUNTY COUNCIL OF BALTIMORE COUNTY
COURT HOUSE, TOWSON, MARYLAND 21204

BERTHIE L. MANLEY
COUNCILWOMAN, FIRST DISTRICT

COUNCIL OFFICE: 867-3266
CATONSVILLE DISTRICT OFFICE: 867-0896 867-0897
754 FREDERICK ROAD
CATONSVILLE, MD 21228

January 6, 1993

Mrs. Grace Robinson
6006 Harristown Road
Catonsville, Maryland 21228

Dear Mrs. Robinson,

Attached please find a copy of a letter received from the builder of Home Depot regarding your complaints. Mr. Christian informs us that the insurance company has contacted everyone, but I was unable to confirm with you by telephone.

I assume Aetna Insurance has also been in touch with you. If not, the information you need to report your claim is in the attached letter. I am glad Home Depot has finally responded to the complaints. If we can be of further assistance, just call.

Respectfully,

Gail B. LeCompte

Gail B. LeCompte
Legislative Aide

GBL/rme



December 29, 1992

Berthie L. Manley
Councilwoman, First District
Catonsville District Office
734 Frederick Road
Catonsville, Maryland 21228

Re: Concerned Citizens of
Catonsville & Home
Depot

Dear Ms. Manley:

At the request of Home Depot, USA and as the builder of the Home Depot Store in Catonsville, we have received a copy of your letter to Ken Dardas dated December 15, 1992, and we are responding to you as follows:

For your information, we have personally contacted the concerned citizens and told them our insurance company would be handling their complaints. I was also told by our insurance carrier to direct any complaints to Aetna Insurance Claims Department, Phone No. 1-800-368-3562.

I do not agree that anyone has "ignored" these alleged "problems."

If I can be of any further assistance, please do not hesitate to contact me directly.

Respectfully,

Lloyd S. Missler

Lloyd S. Missler
Project Manager

LSM/sq
File: 92820.1.14

25 MAIN STREET • SUITE 300 • REISTERSTOWN, MD 21136
(301) 526-4404 • FAX (301) 526-4740 • (202) 470-7311

111 UPPER STATE ROAD • MONTGOMERYVILLE, PA 18936 • (215) 643-6110

CONCERNED CITIZENS OF CATONSVILLE
Community of 6000 Block of Harristown Road
Catonsville, Maryland 21228

Mrs. Grace Robinson, Coordinator
6006 Harristown Road
Catonsville, Md. 21228
Telephone: (410) 788-7450

August 18, 1992

HOME DEPOT, Incorporated
Attn: PUBLIC RELATIONS OFFICE
727 Paces Ferry Road, N.W.
Atlanta, GA. 30339-4053

To Whom It May Concern:

The Concerned Citizens of the 6000 block of Harristown Road have been concerned regarding the upgrade and paving of the street in the area. We are interested in getting some specifics regarding plans on your part in working with Baltimore County in this respect. The 6000 block is located directly in the vicinity of the construction of the new HOME DEPOT building being erected.

It may interest you to know that the homes in close proximity of the construction have taken an awful beating in regard to the dust on the yard equipment, homes, and cars. It has been a hardship on the area residents to keep the dust and dirt under control.

We have also experienced the added inconvenience of hazardous driving and poor parking on our street due to the many work vehicles parked there. For most of today, we have had no telephone service or electricity because of utility work related to the construction.

A response from you concerning this matter is anticipated. I can be reached at the above phone number.

Thank you in advance for your support and cooperation.

Sincerely,

Mrs. Grace Robinson
(Mrs.) Grace Robinson
Coordinator

CONCERNED CITIZENS OF CATONSVILLE
Community of 6000 Block Harristown Road
Catonsville, Maryland 21228

Mrs. Grace Robinson, Coordinator
6006 Harristown Road
Catonsville, Maryland 21228

October 6, 1992

HOME DEPOT, Incorporated
Attn: Ms. Jennifer Swanger
Public Relations Office
727 Paces Ferry Road, N.W.
Atlanta, Ga. 30339-4053

Dear Ms. Swanger:

A few weeks ago we were contacted by you in regard to the conditions and experiences we have encountered in our area due to the construction of the Home Depot. The building and parking area is surrounded on three(3) sides by residential homes. These homes have been such affected by the construction and we have been given nothing but comments and promises. We are deeply disturbed about the lack of concern conveyed to us in the area.

There has been a complaint by one resident that his chimney has been cracked. Another resident has had damage done to the inside of his home on Winters Lane. There have also been many other inconveniences and complaints in addition to those mentioned in the previous letter dated August 18, 1992.

We were contacted by Mr. Dan Spino at (908)424-2654 and Mr. Rudy Deutsch of St. Paul, N.Y. (908)424-2652 and you. It seems that the information conveyed to you and others over the telephone stopped there. We had hoped that much more consideration be shown toward us in the area than has been displayed. As of today, an attempt has been made to clean up some of the dirt that lies directly aside of the street.

We also notice that a continued work force is readying the building for occupancy which seems to be their greatest concern. However, we are also concerned about our neighborhood. This would not have existed in an exclusive neighborhood nor would a building such as this have been erected. We feel we have been shafted and deserve some participation on your part in upgrading our street.

We are requesting a response of commitment on your part (Home Depot) as soon as possible.

Thank you for your cooperation.

Sincerely,

Mrs. Grace Robinson
(Mrs.) Grace Robinson
Coordinator

cc: Berthie Manly, Councilman, 1st District, Baltimore County
Thomas Regulski, Department of Environmental Protection
Linwood Johnson, Planning and Zoning

CONCERNED CITIZENS OF CATONSVILLE
Community of 6000 Block Harristown Road
Catonsville, Maryland 21228

Mrs. Grace Robinson, Coordinator
6006 Harristown Road
Catonsville, Maryland 21228

October 24, 1992

HOME DEPOT, Incorporated
727 Paces Ferry Road N.W.
Atlanta, Georgia 30339-4053

To Whom It May Concern:

The Concerned Citizens of Catonsville and the Civic League, which is headed by John Griffin, have joined together in an attempt to address the concerns, complaints, and issues regarding the residents in the area surrounding the newly constructed Home Depot. We met on October 21, 1992 to discuss some of the problems that have plagued the homeowners during the construction.

The consensus was that no one from Home Depot has made any effort to meet with us, even though there have been many complaints. They are as follows:

1. Damages to homes and the surrounding environment during the construction.
2. Continued dust that has plagued the homes, cars and outside equipment.
3. Substitution of an embankment for the wall that was to be constructed.
4. Trees that do not provide an effective sound barrier because of the excessive noise.

Following is a list of requests that we wish Home Depot to honor before it is allowed to open:

1. Build a wall on Alexander Avenue and Harristown Road. This would protect the small children in the area. It would also avoid the embankment becoming a playground for the youth, which can become a dangerous situation.
2. Install steps in the center of the block leading onto the Home Depot lot from Harristown Road. This would curb the attempt of anyone to climb over the wall or make paths.
3. Pave and widen Harristown Road adjoining the lot.
4. Plant more trees on the embankment behind the homes on Winters Lane.
5. Contact Baltimore County in regard to their participation in this endeavor.

CONCERNED CITIZENS OF CATONSVILLE
6006 HARRISTOWN ROAD
CATONSVILLE, MARYLAND 21228-2821

January 15, 1993

Ms. Berthie L. Manley
Councilwoman First District
Catonsville District Office 867-0896
754 Frederick Road
Catonsville, Maryland 21228-4536

Re: Home Depot, Inc.

Dear Ms. Manley,

We the Concerned Citizens of Catonsville are in receipt of your letter dated January 6, 1993 and that of Mr. Missler's, disagreeing with our perception of what we have been experiencing. This was expected on our part in regards to past experiences with the contractor's office. Our complaints began in July 1992. We were unsuccessful in dealing with their (Mr. Missler's) office, therefore, we reverted to HOME DEPOT's office in Atlanta, GA. A call was received from a Mr. Dan Spino [(908) 424-2654] and Mr. Rudy Deutsch [(908) 424-2652] who were very courteous.

Their conversation was encouraging and promising towards our fight for justice and cooperation. We additionally heard from a Ms. Jennifer Swanger from the same office. The communication seemingly stopped there because we never received anything in writing to hold them accountable. Three letters were drafted and mailed to HOME DEPOT, Inc. from the period August to October 1992. Later, we received a call from Mr. Ken Dardas's secretary [(908) 424-2669] indicating that they would meet with Grace Robinson, Coordinator only. In spite of this request, three other members and myself met with Mr. Dardas at HOME DEPOT's Catonsville Store in November 1992 for approximately ten minutes. Mr. Dardas's only comment was that "he would get back to us".

In the meantime, a call was received from Mr. Adrian Jones, Baltimore County Office indicating she had spoken with the contractor's office and that Mr. Missler would be getting in contact with us. Later we received the attached note in our mailbox. Following several calls, Mr. Jaeger (from the insurance company) called to set the date of January 25, 1993 at 9 a.m. to meet with us.

We also met with Mr. R. Haden, Baltimore County Executive in Towson in a face to face on December 10, 1992.

THE CONCERNED CITIZENS OF CATONSVILLE
6006 Harristown Road
Baltimore, Maryland 21228

Mr. Duke Sullivan
HOME DEPOT, INC.
Atlanta, GA.

May 2, 1993

The Concerned Citizens of Catonsville met at 1 p.m. on May 1, 1993. The focus centered around the meeting scheduled with you on May 5, 1993. Representatives from HOME DEPOT, INC. have indicated that the corporation wishes to be good neighbors and has done much for the neighborhood. However, the neighbors do not see what has been done POSITIVELY. Furthermore, there are many things that have affected the area tremendously. These affects are as follows:

- 1) Vehicles that generate noise 24 hours daily.
- 2) Unsightly vehicles on site the majority of the time.
- 3) Vacuum trucks cleaning after midnight.
- 4) Debris in front of Alexander Ave and Harristown Road.
- 5) Compactors that make noise late at night which were to be enclosed within the structure itself.
- 6) Lowering property value of area.
- 7) Emotional and mental stress from past and present conditions that continues to exist.

We are recommending changes to be made to correct many of the above mentioned items. These corrections would be as follows:

- 1) Affix a sturdy 10 (ten) foot wall adjoining Winters Lane and Harristown Road as a sound barrier to block unbearable noises and unsightly conditions.
- 2) Extension of wall or fence to close in area; avoiding exit, entrance and debris onto Harristown Road.
- 3) Clean up mud/debris and complete landscaping with shrubbery on Harristown Road.

Dear Mr. Lawrence Schmidt

Although our street had not been developed as it should have been, we enjoyed quietness. Recently, our peace has been disturbed by the operation of Home Depot. Because of this problem, we are reaching out to you for your help with our concerns.

Now that the Depot is here, they should be cooperative and try to work with the neighborhood. But we can't say that presently because there are loud noises almost every night starting at approximately 10 p.m. It has been assumed that the noises generate from the 1500 trucks that are parked in front of the Depot. Their motors make all sorts of loud noises which is really inconsiderate at night during sleeping hours. Usually the noise subsides at approximately 4:30 a.m. At 6 a.m. the trucks begin to pull out and the loading docks. This is directly in front of Harristown Road homes.

We had a meeting with Mr. Duke Sullivan of the Atlanta Office of Home Depot on May 26, 1993 where we discussed the noise and the possibility of erecting a sound barrier to extend and heighten the fence because of the unsightly view. There was also notation that Kasco Construction Company would complete landscaping on our side

Note: On June 18 1898. Mrs. Carson, Nathan visited our neighborhood. He felt that it would be more desirable to call until fall to have the land crapping completed. He wanted to encourage after the country has completed the track topping.

On June 30, 1993, Mr. Duke Sullivan of Othello, Pa. office stated that he would get back to us as soon as the planning is completed regarding the fence and the barrier.

Furthermore, there are many activities of noises aside from the fork left at the hours mentioned.

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME
STUART D. KAPROW
John L. Collins
John J. Stamm

ADDRESS
1005 Wabash Street 21201
3701 Norwiche Field (OR) Astoria A 2123P
G.W. Stephens 658 Kenilworth Dr. 21204

93-29-A

D.R.5.5

WIDERS LAKE

BR

THE HOME DEPOT

DR5.5

WESTVIEW CINEMA

BALTIMORE NATIONAL PIKE

BL

DR16

DR15

DR5.5

311

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

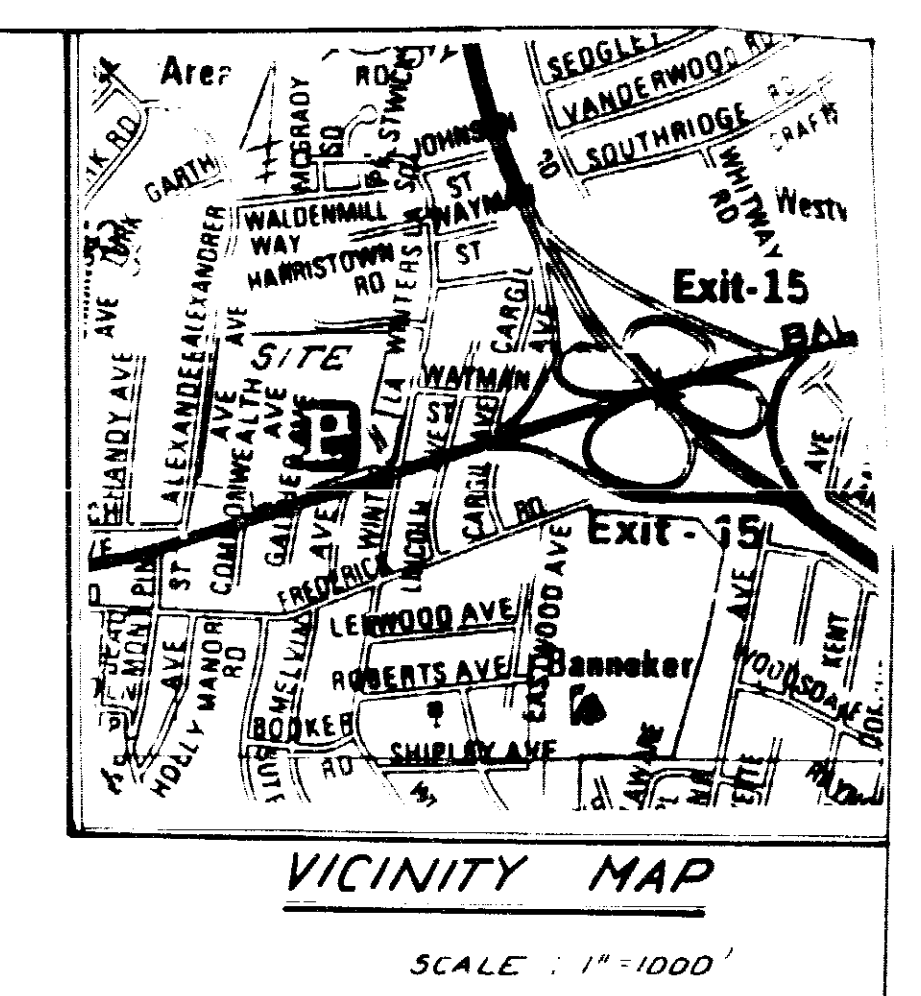
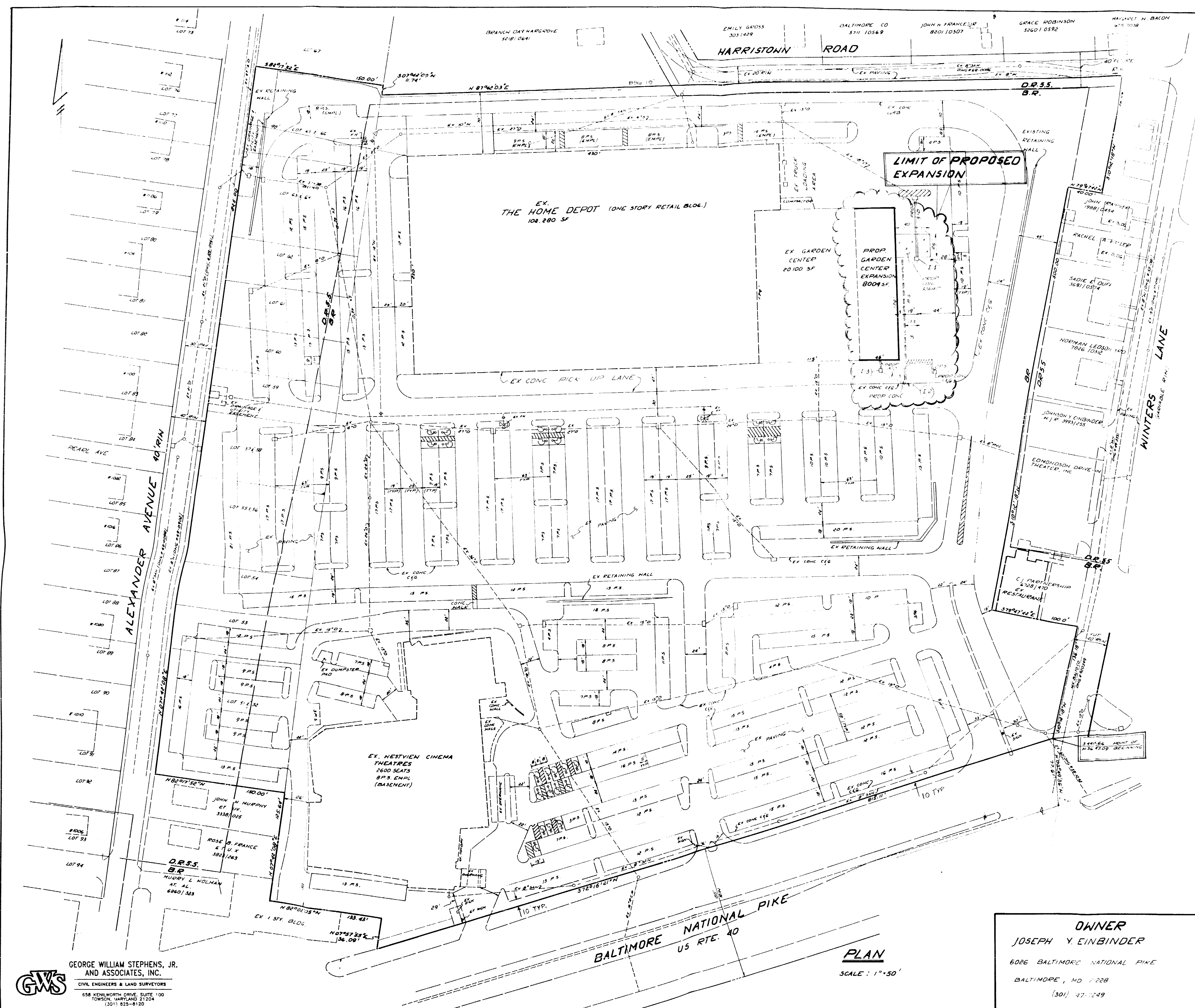
SCALE
1" = 200'

LOCATION
CATONSVILLE

SHEET
311

DATE
OF
PHOTOGRAPHY
JANUARY
1986

Chairman, County Council



GW
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

PLAN
SCALE: 1"=50'

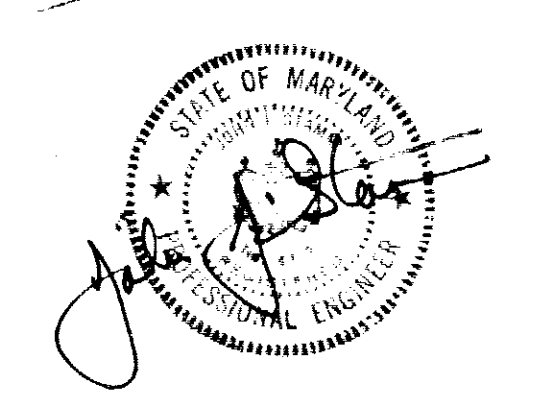
OWNER
JOSEPH Y. EINBINDER
6026 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228
(301) 477-2449

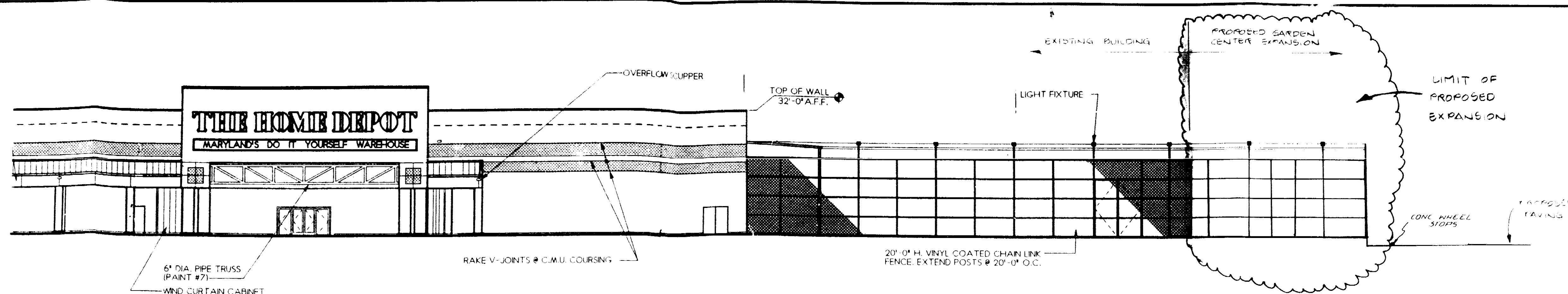
PUBLIC SERVICES CRG # 91233
CURRENT PLANNING I-389

PLAT TO ACCOMPANY PETITION
FOR
PARKING VARIANCE

THE HOME DEPOT
CATONSVILLE, MD.
6000 BALTIMORE NATIONAL PIKE

ELECTION DIST. 1C1
SCALE: 1"=50'
BALTIMORE CO. MG.
JAN 20 1993
SHT 1 OF 2





SOUTH ELEVATION
SCALE: 1/16" = 1'

PETITIONER'S
EXHIBIT 113

REVISIONS

1. PETITION FOR RECLASSIFICATION FROM AN 'A' RESIDENCE TO AN 'E' COMMERCIAL ZONE.
REVISED NOVEMBER 17, 1952.

1. GRANTED PER ORDER BY THE BOARD OF ZONING APPEALS ON JANUARY 17, 1952, SUBJECT TO THE FOLLOWING:
 - a. THAT THE PETITIONER SCREEN, BY PLANTING OF SHRUBBERY, THE PROPERTY LINE ADJOINING THE REAR OF THE HOUSE FACING ON WINTERS LANE.
 - b. THAT THE ERECTION OF ANY LIGHTS SHALL BE DIRECTED AWAY FROM WINTERS LANE AND AWAY FROM EDMONDSON AVENUE, EXCEPT THAT ON EDMONDSON AVENUE ANY ADVERTISING SIGN WHICH WILL BE PERMITTED TO BE ERECTED MAY FACE SAID AVENUE.
 - c. THAT ANY AREA USED FOR PARKING SHALL BE SURFACED WITH AN ASPHALT BOUND MATERIAL, AS WELL AS ALL DRIVEWAYS.
 - d. THAT THE SOUTHERLY BOUNDARY OF THE PETITIONER'S PROPERTY ALONG EDMONDSON AVENUE BE PROPERLY SCREENED BY THE PLANTING OF SHRUBBERY SO AS TO PREVENT THE GLARE OF AUTOMOBILE LIGHTS EXTENDING TO ADJOINING PROPERTIES ACROSS EDMONDSON AVENUE.

27915 - PETITION FOR A SPECIAL PERMIT TO USE THE LAND (AND IMPROVEMENTS NOW OR TO BE ERECTED THEREON) HEREINAFTER DESCRIBED FOR ADVERTISING SIGN.
GRANTED NOVEMBER 27, 1953 FOR A PERIOD OF TWO (2) YEARS FROM THE ABOVE DATE, SUBJECT TO THE APPROVAL OF THE SETBACK FOR THE STRUCTURE BY THE STATE ROADS COMMISSION.

3154 - PETITION FOR RECLASSIFICATION FROM AN 'A' RESIDENCE ZONE TO AN 'E' COMMERCIAL ZONE.
GRANTED PER ORDER BY THE BOARD OF ZONING APPEALS ON JANUARY 14, 1955 UPON THE CONDITION THAT AT LEAST TWO AND ONE-HALF SQUARE FEET OF OFF-STREET PARKING SPACE IS PROVIDED FOR EACH ONE SQUARE FOOT OF AREA TO BE COVERED BY COMMERCIAL STRUCTURES.

3816X - PETITION FOR SPECIAL EXCEPTION TO USE THE LAND (AND IMPROVEMENTS NOW OR TO BE ERECTED THEREON) HEREINAFTER DESCRIBED FOR GASOLINE SERVICE STATION.
GRANTED ON JUNE 1, 1956 SUBJECT TO COMPLIANCE WITH THE FOLLOWING PROVISIONS:

1. THAT ALL LIGHTING SHOULD BE DEFLECTED OR CONCEALED IN A FASHION THAT SHALL NOT INTERFERE WITH ADJOINING PROPERTIES OR EXISTING USE THEREOF.
2. THAT NO LIGHTS OR LIGHTED SIGNS SHALL BE ALLOWED TO FLASH OR BLINK.
3. THAT THE HEIGHT OF THE SIGN TO BE ERECTED SHALL BE RESTRICTED TO 12 FEET.
4. THAT THE TREES BETWEEN THE SERVICE STATION PROPERTY AND THE DRIVE-IN THEATRE SHALL REMAIN AS MATERIAL BARRIER BETWEEN PROPERTIES.

ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ON JUNE 18, 1957 THAT THE ABOVE PETITION FOR A SPECIAL EXCEPTION BE AND THE SAME IS EXTENDED TO EXPIRE ON JUNE 1, 1958.

4307X - PETITION FOR SPECIAL EXCEPTION FOR A MOTEL.
GRANTED ON DECEMBER 10, 1957 SUBJECT, HOWEVER, TO APPROVAL OF THE CHANNELIZATION PLAN BY THE DIRECTOR OF TRAFFIC IN BALTIMORE COUNTY. IT IS FURTHER ORDERED THAT THE GRANTING OF THE SPECIAL EXCEPTION IS ALSO SUBJECT TO COMPLIANCE WITH SECTION 409 OF THE ZONING REGULATIONS PERTAINING TO OFF-STREET PARKING.

ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ON OCTOBER 17, 1958 THAT THE AFORESAID SPECIAL EXCEPTION SHALL BE AND THE SAME IS HEREBY EXTENDED FOR ONE (1) YEAR FROM DECEMBER 9, 1958 TO DECEMBER 9, 1959.

65-24-A - PETITION FOR THE FOLLOWING ZONING VARIANCES:

1. A FRONT YARD OF 40 FEET FROM THE FRONT PROPERTY LINE INSTEAD OF THE REQUIRED 50 FEET ON DUAL HIGHWAY.
2. TO PERMIT A SIGN OF 400 SQUARE FEET IN AREA INSTEAD OF THE ALLOWABLE 150 SQUARE FEET.
3. TO PERMIT A SIGN HEIGHT OF 35 FEET INSTEAD OF THE ALLOWABLE 25 FEET.

 GRANTED ON JULY 30, 1964 SUBJECT TO APPROVAL OF THE SITE PLAN BY THE STATE ROADS COMMISSION, BUREAU OF PUBLIC SERVICES AND THE OFFICE OF PLANNING AND ZONING.

66-201-ASP - PETITION FOR A VARIANCE FROM SECTION 283.2 TO PERMIT SIDE YARDS OF 0 FEET AND 10 FEET INSTEAD OF 30 FEET AND A REAR YARD OF 5 FEET INSTEAD OF 30 FEET. 409.2.D.(3) TO PERMIT 23 PARKING SPACES INSTEAD OF 80 PARKING SPACES.

AND PETITION FOR SPECIAL HEARING TO REMOVE PART OF SPECIAL EXCEPTION #4406, AT THE NORTHWESTERN-MOST PORTION OF PROPERTY TO BE USED FOR PARKING (PARCEL C), TO PERMIT PARKING IN A RESIDENTIAL ZONE (PARCEL E).

GRANTED 1966 SUBJECT TO ANY CONSTRUCTION TAKING PLACE IN ACCORDANCE WITH THE REVISED PLANS, AS SHOWN ON THE EXHIBITS IN HIS RECORD, AS APPROVED OR TO BE APPROVED BY THE STATE ROADS COMMISSION, BUREAU OF PUBLIC SERVICES AND THE OFFICE OF PLANNING AND ZONING.

68-173 SPH - PETITION FOR A SPECIAL HEARING TO DESIGNATE THE SUBJECT PROPERTY AS A NONCONFORMING USE FOR A DRIVE-IN THEATRE.
GRANTED ON JANUARY 23, 1968.

#68-254-SPH PETITION FOR SPECIAL HEARING TO PERMIT OFFSTREET PARKING IN A RESIDENTIAL ZONE EAST SIDE OF ALEXANDER AVENUE 300 FEET NORTH OF BALTIMORE NATIONAL PIKE
GRANTED MAY 31, 1968, SUBJECT TO THE FOLLOWING:

- A) THE LAND SO USED ADJOINS THE BUSINESS USE.
- B) ONLY PASSENGER VEHICLES WILL USE THE PARKING AREA PROVIDED.
- C) NO LOADING OR SERVICE USE, ETC., WILL BE PERMITTED WITHIN THE AREA.
- D) LIGHTING SHALL BE SO LOCATED AND DIRECTED TO NOT REFLECT ONTO ADJACENT RESIDENTIAL BUILDINGS OR PUBLIC STREETS.
- E) SEE PLAN, SHEET 1 OF 3 FOR PARKING ARRANGEMENT AND VEHICULAR ACCESS.
- F) THE BITUMINOUS PAVEMENT SHALL BE PERMANENTLY STRIPED AND MAINTAINED AS A PASSENGER CAR PARKING AREA FOR CUSTOMERS AND EMPLOYEES ONLY AND THE HOURS OF OPERATION SHALL GENERALLY BE FROM 7:30 A.M. TO 10:00 P.M.
- G) NOT APPLICABLE.

THE ZONING SUPERVISOR REVIEWED THE CRG PLAN (APPROVED 9/19/91) AND ADVISED THAT THE PROPOSED USE AS SHOWN IS WITHIN THE SPIRIT AND INTENT OF THE ORIGINAL PLAN AND ORDER.

69-47-A PETITION FOR A VARIANCE FROM SECTION 413.5-D SIGN HEIGHT 38'-6" INSTEAD OF THE REQUIRED 25'. 413.2-E TO PERMIT A SIGN OF 574 SQUARE FEET INSTEAD OF THE PRESENT 386.5 SQUARE FEET.
GRANTED ON AUGUST 29, 1968 SUBJECT TO APPROVAL OF THE PLOT PLAN BY THE STATE ROAD COMMISSION, BUREAU OF PUBLIC SERVICES AND OFFICE OF PLANNING AND ZONING.

PARKING TABULATION

SEE SITE DATA NO. 10	
TOTAL UNADJUSTED P.S. REQUIRED	= 1320 P.S.
RETAIL: HOME DEPOT & GARDEN CENTER	= 602 P.S.
WOLMAN PARCEL	= 12 P.S.
TOTAL RETAIL	= 614 P.S.
HANDICAPPED	= 12 P.S.
ASSIGNED EMPLOYEES	= 50 P.S.
P.S. TO BE SHARED	= 608 P.S.
CINEMA	= 650 P.S.
HANDICAPPED	= 13 P.S.
ASSIGNED EMPLOYEES	= 8 P.S.
P.S. TO BE SHARED	= 629 P.S.

NOTE: THE CRG PLAN, APPROVED 9/19/91 WILL BE REVISED TO REFLECT THE PROPOSED GARDEN CENTER EXPANSION UPON GRANTING OF THE SUBJECT PARKING VARIANCE.

NOTE: THE CRG PLAN FOR THIS DEVELOPMENT WAS APPROVED 9/19/91 AND ALL PARKING AND LOADING ELEMENTS ARE IN COMPLIANCE WITH COUNCIL BILL NO. 26-88

PROP. USE	WEEKDAY			WEEKEND		
	6 A.M. - 6 P.M.	6 P.M. - MID.		6 A.M. - 6 P.M.	6 P.M. - MID.	MID - 6 A.M.
RETAIL (608 P.S.)	60% = 365	90% = 548		100% = 608	70% = 426	5% = 31
CINEMA (629 P.S.)	40% = 252	100% = 629		80% = 503	100% = 629	10% = 63
TOTAL SHARED P.S. REQ.	617	1177		1111	1055	94
ADD H.C.	25	25		25	25	25
ADD EMPLOYEES	58	58		58	58	58
TOTAL P.S. REQUIRED	700	1260		1194	1138	177



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AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

OWNER
JOSEPH Y. EINBINDER
6026 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228
(410) 747-7240

SITE DATA

1. ELECTION DISTRICT 1
2. COUNCILMANIC DISTRICT 1
3. CENSUS TRACT 4015.05
4. WATERSHED & SUBWATERSHED 26-69
5. SITE AREA (GROSS & NET) 19.74 AC.
6. EXISTING ZONE DR 3.5 = 2.51 AC., BR = 17.23 AC.
7. EXISTING USE - CINEMA & RETAIL
8. PROPOSED USE - EXISTING CINEMA & EXISTING RETAIL
9. AMENITY OPEN SPACE REQUIRED - NONE
10. PARKING REQUIRED:
 - EXISTING HOME DEPOT 102,280 S.F.
 - EXISTING GARDEN CENTER 26,010 S.F.
 - PROPOSED GARDEN CENTER EXPANSION 8,004 S.F.
 - TOTAL 136,294 S.F. @ 5 P.S./1000 S.F. = 681 P.S.
 - EXISTING CINEMA 2,000 SEATS @ 1 P.S./4 SEATS = 500 P.S.
 - M.L. WOLMAN PARCEL 100,000 S.F. @ 1 P.S./1000 S.F. = 100 P.S.
 - UNADJUSTED TOTAL P.S. REQUIRED 1,281 P.S.
 - SEE "PARKING TABULATION" THIS SHEET
 - TOTAL ADJUSTED PARKING SPACES REQUIRED 1,260 P.S.
11. PARKING SPACES PROVIDED (INCLUDES 25 HANDICAPPED) = 1158
12. HANDICAPPED PARKING SPACES ARE 11" X 18" (MINIMUM)
13. FLOOR AREA RATIO PERMITTED = 2
14. FLOOR AREA RATIO PROVIDED = 0.21
15. BR ZONE = 17.23 AC. = 750,539 S.F.
16. EXISTING CINEMA + EXISTING HOME DEPOT + PROPOSED GARDEN CENTER EXPANSION = 46,080 S.F. + 122,290 S.F. + 8,004 S.F. = 176,374 S.F.
17. BUILDING COVERAGE WITH PAVING = 17.20 AC.
18. AREA TO BE VEGETATIVELY STABILIZED = 2.54 AC.
19. DEED REFERENCE AND PROPERTY NO.:
 - LOTS 50-52 W.J.R. 4074-244
 - LOT 53 W.J.R. 3909-033
 - LOT 54 R.R.G. 4153-600
 - LOTS 55-56 O.T.G. 4718-002
 - LOTS 57-58 W.J.R. 3906-454
 - LOT 59 R.R.G. 4089-104
 - LOT 60 W.J.R. 3877-140
 - LOT 61 W.J.R. 3891-001
 - LOT 62 R.R.G. 4211-053
 - LOTS 63-64 W.J.R. 3886-571
 - LOTS 65-66 G.L.B. 2416-214
 - LOTS 67-73 R.R.G. 4225-032
20. STORM WATER MANAGEMENT WAIVED PER LETTER FROM T.L. VIDMAR, P.E. DATED SEPTEMBER 3, 1991.

PUBLIC SERVICES C.R.G. # 01233
CURRENT PLANNING I-389

PLAT TO ACCOMPANY PETITION
FOR
PARKING VARIANCE

THE HOME DEPOT
CATONSVILLE, MD
6000 BALTIMORE NATIONAL PIKE

ELECTION DIST. 1C1 BALTIMORE, CO. MD
JAN. 20 1993
SHEET 2 OF 2

ZONING HISTORY

104 - PETITION FOR RECLASSIFICATION FROM AN 'A' RESIDENCE TO AN 'E' COMMERCIAL ZONE. DENIED NOVEMBER 21, 1951

GRANTED PER ORDER BY THE BOARD OF ZONING APPEALS ON JANUARY 17, 1952. SUBJECT TO THE FOLLOWING:

1. THAT THE PETITIONER SCREEN, BY PLANTING OF SHRUBBERY, THE PROPERTY LINE ADJOINING THE REAR OF THE HOUSE FACING ON WINTERS LANE.
2. THAT THE ERECTION OF ANY LIGHTS SHALL BE DIRECTED AWAY FROM WINTERS LANE AND AWAY FROM EDMONDSON AVENUE, EXCEPT THAT ON EDMONDSON AVENUE ANY ADVERTISING SIGN WHICH WILL BE PERMITTED TO BE ERECTED MAY FACE SAID AVENUE.
3. THAT ANY AREA USED FOR PARKING SHALL BE SURFACED WITH AN ASPHALT BOUND MATERIAL, AS WELL AS ALL DRIVEWAYS.
4. THAT THE SOUTHERLY BOUNDARY OF THE PETITIONER'S PROPERTY ALONG EDMONDSON AVENUE BE PROPERLY SCREENED BY THE PLANTING OF SHRUBBERY SO AS TO PREVENT THE GLARE OF AUTOMOBILE LIGHTS EXTENDING TO ADJOINING PROPERTIES ACROSS EDMONDSON AVENUE.

2791S - PETITION FOR A SPECIAL PERMIT TO USE THE LAND (AND IMPROVEMENTS NOW OR TO BE ERECTED THEREON) HEREINAFTER DESCRIBED FOR ADVERTISING SIGN. GRANTED NOVEMBER 27, 1953 FOR A PERIOD OF TWO (2) YEARS FROM THE ABOVE DATE, SUBJECT TO THE APPROVAL OF THE SETBACK FOR THE STRUCTURE BY THE STATE ROADS COMMISSION.

3154 - PETITION FOR RECLASSIFICATION FROM AN 'A' RESIDENCE ZONE TO AN 'E' COMMERCIAL ZONE. GRANTED PER ORDER BY THE BOARD OF ZONING APPEALS ON JANUARY 14, 1955 UPON THE CONDITION THAT AT LEAST TWO AND ONE-HALF SQUARE FEET OF OFF-STREET PARKING SPACE IS PROVIDED FOR EACH ONE SQUARE FOOT OF AREA TO BE COVERED BY COMMERCIAL STRUCTURES.

3816X - PETITION FOR SPECIAL EXCEPTION TO USE THE LAND (AND IMPROVEMENTS NOW OR TO BE ERECTED THEREON) HEREINAFTER DESCRIBED FOR GASOLINE SERVICE STATION. GRANTED ON JUNE 1, 1956 SUBJECT TO COMPLIANCE WITH THE FOLLOWING PROVISIONS:

1. THAT ALL LIGHTING SHOULD BE DEFLECTED OR CONCEALED IN A FASHION THAT SHALL NOT INTERFERE WITH ADJOINING PROPERTIES OR EXISTING USE THEREON.
2. THAT NO LIGHTS OR LIGHTED SIGNS SHALL BE ALLOWED TO FLASH OR BLINK.
3. THAT THE HEIGHT OF THE SIGN TO BE ERECTED SHALL BE RESTRICTED TO 12 FEET.
4. THAT THE TREES BETWEEN THE SERVICE STATION PROPERTY AND THE DRIVE-IN THEATRE SHALL REMAIN AS MATERIAL BARRIER BETWEEN PROPERTIES.

ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ON JUNE 18, 1957 THAT THE ABOVE PETITION FOR A SPECIAL EXCEPTION BE AND THE SAME IS EXTENDED TO EXPIRE ON JUNE 1, 1958.

4307X - PETITION FOR SPECIAL EXCEPTION FOR A MOTEL.

GRANTED ON DECEMBER 10, 1957 SUBJECT, HOWEVER, TO APPROVAL OF THE CHANNELIZATION PLAN BY THE DIRECTOR OF TRAFFIC IN BALTIMORE COUNTY. IT IS FURTHER ORDERED THAT THE GRANTING OF THE SPECIAL EXCEPTION IS ALSO SUBJECT TO COMPLIANCE WITH SECTION 409 OF THE ZONING REGULATIONS PERTAINING TO OFF-STREET PARKING.

ORDERED BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY ON OCTOBER 17, 1958 THAT THE AFORESAID SPECIAL EXCEPTION SHALL BE AND THE SAME IS HEREBY EXTENDED FOR ONE (1) YEAR FROM DECEMBER 9, 1958 TO DECEMBER 9, 1959.

65-24-A - PETITION FOR THE FOLLOWING ZONING VARIANCES:

1. A FRONT YARD OF 40 FEET FROM THE FRONT PROPERTY LINE INSTEAD OF THE REQUIRED 50 FEET ON DUAL HIGHWAY.
2. TO PERMIT A SIGN OF 400 SQUARE FEET IN AREA INSTEAD OF THE ALLOWABLE 150 SQUARE FEET.
3. TO PERMIT A SIGN HEIGHT OF 35 FEET INSTEAD OF THE ALLOWABLE 25 FEET.

GRANTED ON JULY 30, 1964 SUBJECT TO APPROVAL OF THE SITE PLAN BY THE STATE ROADS COMMISSION, BUREAU OF PUBLIC SERVICES AND THE OFFICE OF PLANNING AND ZONING.

66-201-ASP - PETITION FOR A VARIANCE FROM SECTION 283.2 TO PERMIT SIDE YARDS OF 0 FEET AND 10 FEET INSTEAD OF 30 FEET AND A REAR YARD OF 5 FEET INSTEAD OF 30 FEET. 409.2.b.(3) TO PERMIT 23 PARKING SPACES INSTEAD OF 80 PARKING SPACES.

AND PETITION FOR SPECIAL HEARING TO REMOVE PART OF SPECIAL EXCEPTION #4406, AT THE NORTHWESTERN-MOST PORTION OF PROPERTY TO BE USED FOR PARKING (PARCEL C), TO PERMIT PARKING IN A RESIDENTIAL ZONE (PARCEL E).

GRANTED 1966 SUBJECT TO ANY CONSTRUCTION TAKING PLACE IN ACCORDANCE WITH THE REVISED PLANS, AS SHOWN ON THE EXHIBITS IN HIS RECORD, AS APPROVED OR TO BE APPROVED BY THE STATE ROADS COMMISSION, BUREAU OF PUBLIC SERVICES AND THE OFFICE OF PLANNING AND ZONING.

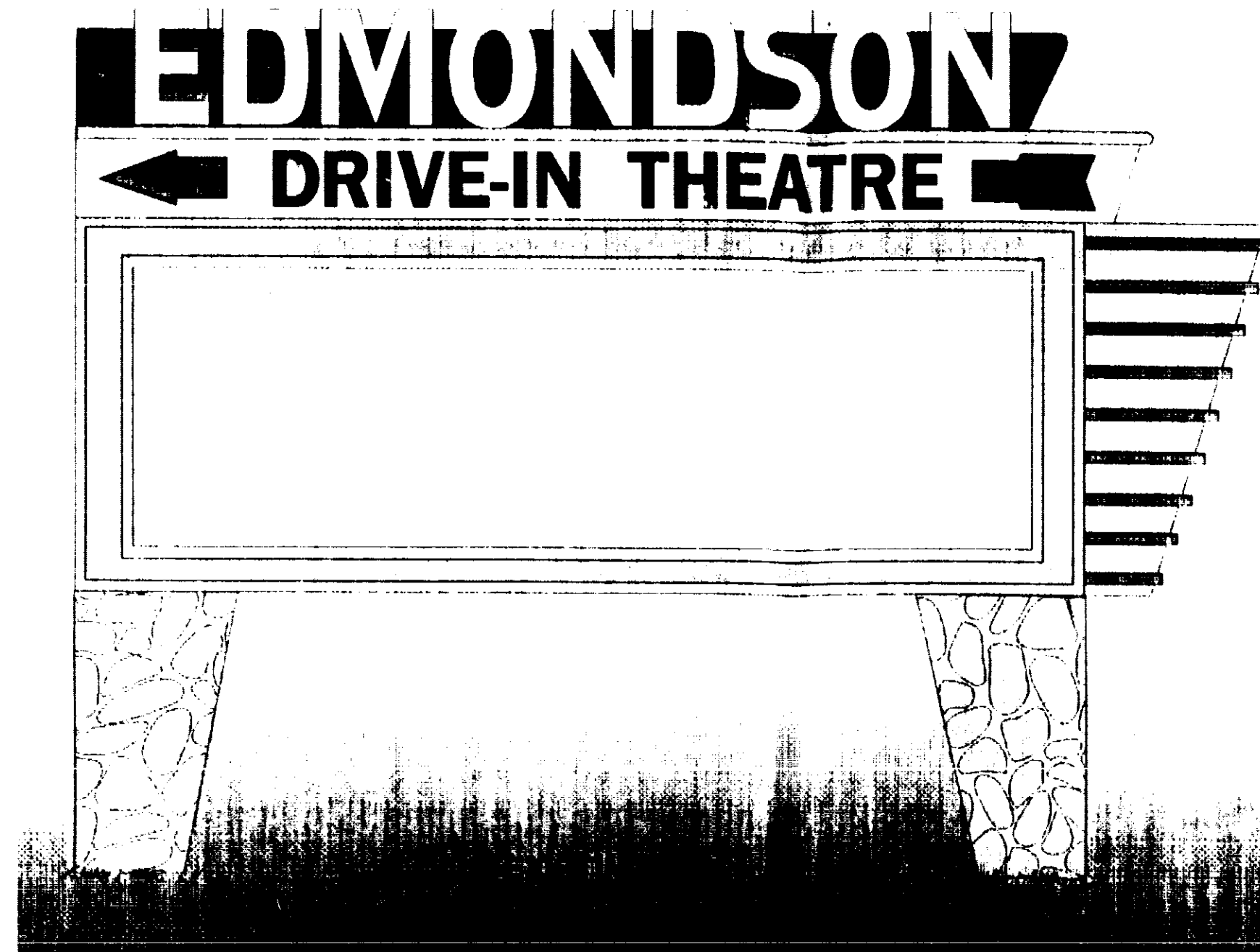
68-173 SPH - PETITION FOR A SPECIAL HEARING TO DESIGNATE THE SUBJECT PROPERTY AS A NONCONFORMING USE FOR A DRIVE-IN THEATRE. GRANTED ON JANUARY 23, 1968.

68-254-SPH - PETITION FOR SPECIAL HEARING TO PERMIT OFFSTREET PARKING IN A RESIDENTIAL ZONE EAST SIDE OF ALEXANDER AVENUE 300 FEET NORTH OF BALTIMORE NATIONAL PIKE GRANTED MAY 31, 1968, SUBJECT TO THE FOLLOWING:

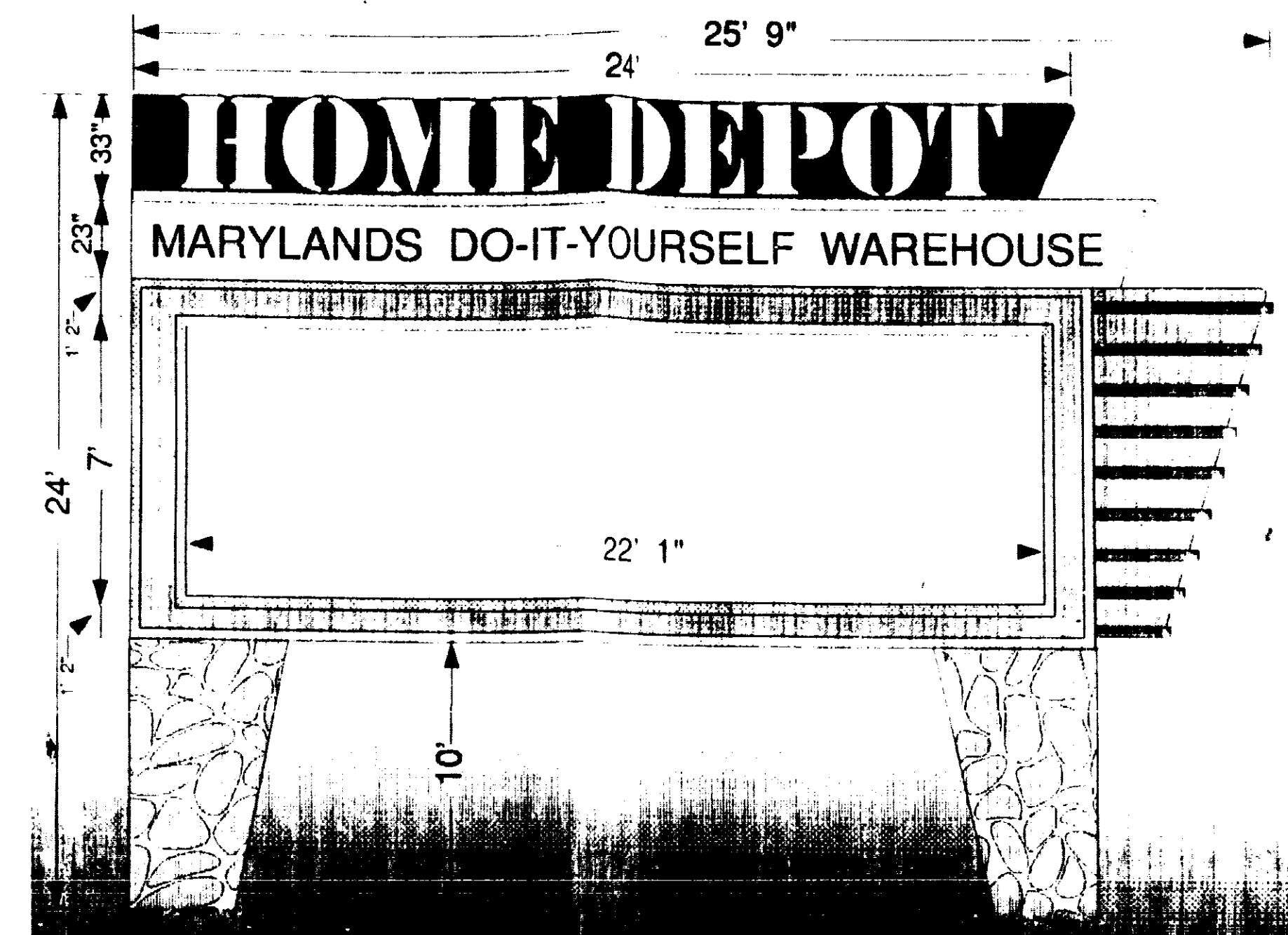
- A) THE LAND SO USED ADJOINS THE BUSINESS USE.
- B) ONLY PASSENGER VEHICLES WILL USE THE PARKING AREA PROVIDED.
- C) NO LOADING OR SERVICE USE, ETC., WILL BE PERMITTED WITHIN THE AREA.
- D) LIGHTING SHALL BE SO LOCATED AND DIRECTED TO NOT REFLECT ONTO ADJACENT RESIDENTIAL BUILDINGS OR PUBLIC STREETS.
- E) SEE PLAN, SHEET 1 OF 3 FOR PARKING ARRANGEMENT AND VEHICULAR ACCESS.
- F) THE BITUMINOUS PAVEMENT SHALL BE PERMANENTLY STRIPED AND MAINTAINED AS A PASSENGER CAR PARKING AREA FOR CUSTOMERS AND EMPLOYEES ONLY AND THE HOURS OF OPERATION SHALL GENERALLY BE FROM 7:30 A.M. TO 10:00 P.M.
- G) NOT APPLICABLE.

THE ZONING SUPERVISOR REVIEWED THE CRG PLAN (APPROVED 9/19/91) AND ADVISED THAT THE PROPOSED USE AS SHOWN IS WITHIN THE SPIRIT AND INTENT OF THE ORIGINAL PLAN AND ORDER.

69-47-A - PETITION FOR A VARIANCE FROM SECTION 413.5-D SIGN HEIGHT 38'6" INSTEAD OF THE REQUIRED 25'. 413.2-B TO PERMIT A SIGN OF 574 SQUARE FEET INSTEAD OF THE PRESENT 366.5 SQUARE FEET. GRANTED ON AUGUST 29, 1968 SUBJECT TO APPROVAL OF THE PLOT PLAN BY THE STATE ROAD COMMISSION, BUREAU OF PUBLIC SERVICES AND OFFICE OF PLANNING AND ZONING.



EXISTING SIGN



PROPOSED SIGN

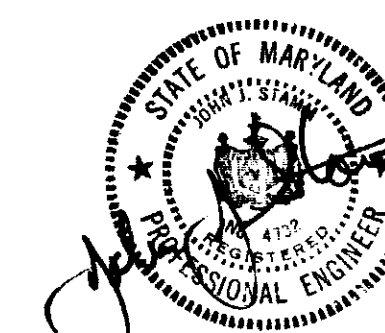
PROP. USE	WEEKDAY			WEEKEND		
	6 A.M. - 6 P.M.	6 P.M. - MID.	MID. - 6 A.M.	6 A.M. - 6 P.M.	6 P.M. - MID.	MID. - 6 A.M.
RETAIL (608 P.S.)	60% = 365	90% = 548		100% = 608	70% = 426	5% = 31
CINEMA (629 P.S.)	40% = 252	100% = 629		80% = 503	100% = 629	10% = 63
TOTAL SHARED P.S. REQ.	617	1177		1111	1055	94
ADD H.C.	25	25		25	25	25
ADD EMPLOYEES	58	58		58	58	58
TOTAL P.S. REQUIRED	700	1260		1194	1138	177

PARKING TABULATION

SEE SITE DATA NO. 10	
TOTAL UNADJUSTED P.S. REQUIRED	= 1320 P.S.
RETAIL: HOME DEPOT & GARDEN CENTER	= 652 P.S.
WOLMAN PARCEL	= 16 P.S.
TOTAL RETAIL	= 670 P.S.
HANDICAPPED	= 12 P.S.
ASSIGNED EMPLOYEES	= 50 P.S.
P.S. TO BE SHARED	= 608 P.S.
CINEMA	650 P.S.
HANDICAPPED	= 13 P.S.
ASSIGNED EMPLOYEES	= 8 P.S.
P.S. TO BE SHARED	= 629 P.S.

SITE DATA

1. ELECTION DISTRICT 1
2. COUNCILMANIC DISTRICT 1
3. CENSUS TRACT 4015.05
4. WATERSHED & SUBWATERSHED 26-69
5. SITE AREA (GROSS & NET) 19.74 AC.±
6. EXISTING ZONE D15.5 = 2.51 AC.±, BR = 17.23 AC.±
7. EXISTING USE - CINEMA & RETAIL
8. PROPOSED USE - EXISTING CINEMA & EXISTING RETAIL
9. AMENITY OPEN SPACE REQUIRED - NONE
10. PARKING REQUIRED: 102,280 S.F.
- EXISTING HOME DEPOT 20,010 S.F.
- EXISTING GARDEN CENTER 8,004 S.F.
- PROPOSED GARDEN CENTER EXPANSION 130,294 S.F. @ 5 P.S./1000 S.F. = 652 P.S.
- TOTAL 130,294 S.F. @ 5 P.S./1000 S.F. = 652 P.S.
- EXISTING CINEMA 2600 SEATS @ 1 P.S./4 SEATS = 650 P.S.
- W.L. WOLMAN PARCEL = 18 P.S.
- UNADJUSTED TOTAL P.S. REQUIRED = 1320 P.S.
- SEE "PARKING TABULATION" THIS SHEET
- TOTAL ADJUSTED PARKING SPACES REQUIRED = 1260 P.S.
11. PARKING SPACES PROVIDED (INCLUDES 25 HANDICAPPED) = 1180
- PARKING SPACES ARE 8.5' X 18.0' (MINIMUM)
- HANDICAPPED PARKING SPACES ARE 13' X 18.0' (MINIMUM)
12. FLOOR AREA RATIO PERMITTED = 2
13. FLOOR AREA RATIO PROVIDED = 0.23
- BR ZONE = 17.23 AC. = 750,539 S.F.
- EXISTING CINEMA + EXISTING HOME DEPOT + PROPOSED GARDEN CENTER EXPANSION = 46,080 S.F. + 122,290 S.F. + 8,004 S.F. = 176,374 S.F.
- 176,374 S.F./750,539 S.F. = 0.23
14. BUILDING COVERAGE WITH PAVING - 17.20 AC.
15. AREA TO BE VEGETATIVELY STABILIZED = 2.54 AC.
16. DIED REFERENCE AND PROPERTY NO. 1
- LOTS 50-52 W.J.R. 4074-244
- LOT 53 W.J.R. 3909-033
- LOT 54 R.R.G. 4153-600
- LOTS 55-56 O.T.G. 4718-002
- LOTS 57-58 W.J.R. 3906-454
- LOT 59 R.R.G. 4089-104
- LOT 60 W.J.R. 3877-140
- LOT 61 W.J.R. 3891-001
- LOT 62 R.R.G. 4211-053
- LOTS 63-64 W.J.R. 3886-571
- LOTS 65-66 G.L.B. 2416-214
- LOTS 67-73 R.R.G. 4225-032
17. STORM WATER MANAGEMENT WAIVED PER LETTER FROM T.L. VIDMAR, P.E. DATED SEPTEMBER 3, 1991.



PUBLIC SERVICES' CRG # 91233
CURRENT PLANNING I-389

PLAT TO ACCOMPANY PETITION
FOR
SIGN VARIANCE

THE HOME DEPOT
CATONSVILLE, MO

6000 BALTIMORE NATIONAL PIKE

ELECTION DIST. 101 BALTIMORE, MO
FEB. 20, 1993

SHEET 2 OF 2

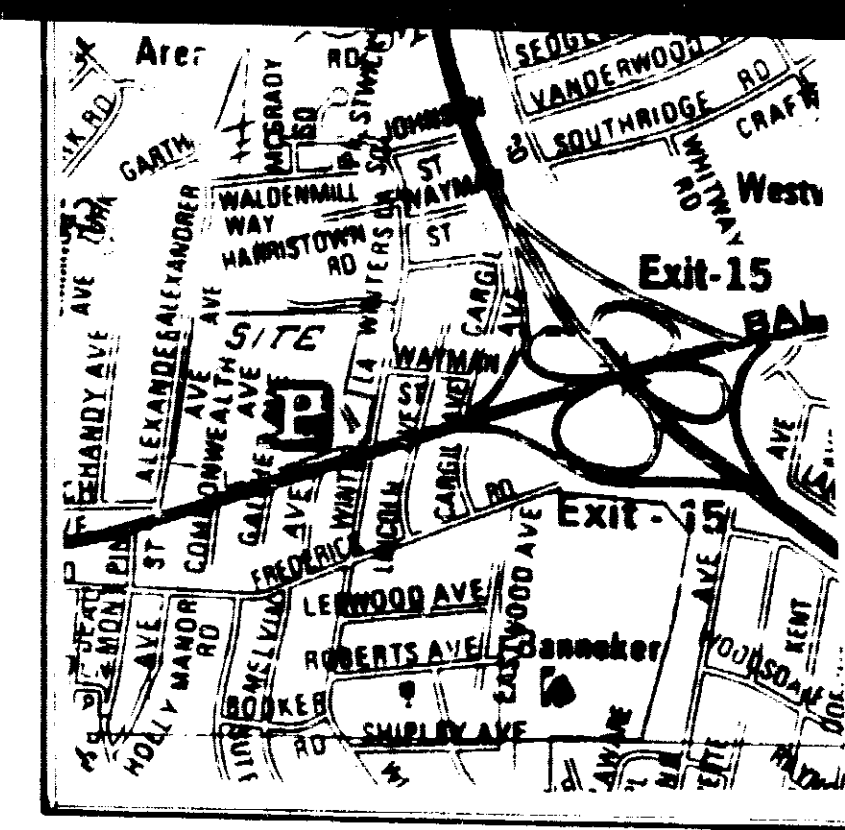
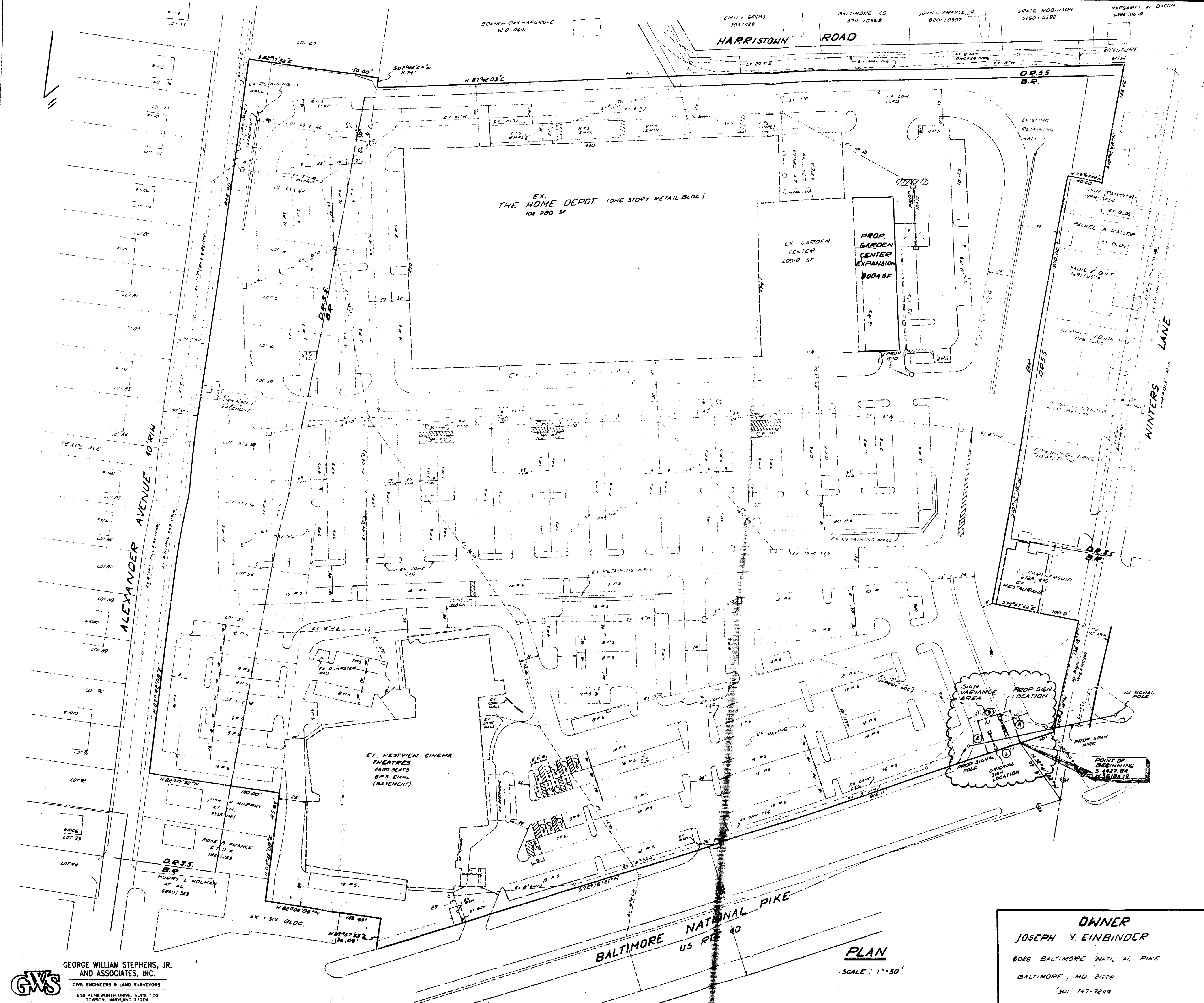


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AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

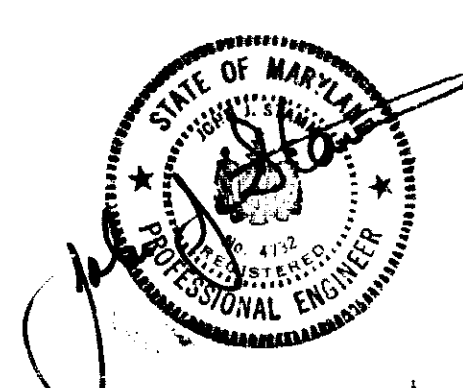
OWNER
JOSEPH Y. EINGINDER
6026 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228
(410) 747-7248



VICINITY MAP
SCALE: 1" = 1000'

COURSE DATA		
NO.	BEARING	DISTANCE
①	S 72°16'21"N	40.00'
②	N 17°43'39"E	40.00'
③	N 72°16'21"E	40.00'
④	S 17°43'39"E	40.00'

PETITIONER'S
EXHIBIT 1D



PUBLIC SERVICES CRG # 91233
CURRENT PLANNING I-389

PLAT TO ACCOMPANY PETITION
FOR
SIGN VARIANCE

THE HOME DEPOT
CATONSVILLE, MD.

6000 BALTIMORE NATIONAL PIKE

ELECTION DIST 1C1
SCALE: 1" = 50'
BALTIMORE CO, MD
FEB. 20, 1993
SHT. 1 OF 2

OWNER
JOSEPH Y. EINBINDER
6066 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21226
(301) 747-7249

PLAN
SCALE: 1" = 50'

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120